CHARTER STUDY GROUP REPORT

JOHN JAY COLLEGE OF CRIMINAL JUSTICE

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Introduction

The President and Provost formed the Charter Study Group in the spring 2015 semester, and the Provost described its charge in a March 20, 2015 letter to the John Jay faculty:

> [The committee is charged with] ….studying the matter of college governance—gathering information about governance practices and structures at other institutions, studying the literature on effective governance, and consulting national organizations, such as the American Association of University Professors….
>
> Among their research questions are the following: What are the generally shared features of college governance? What are the best practices of effective college governance? What principles and/or values should governance reflect?

To meet our task, we sought to identify best practices in shared governance reflected in the literature and provide examples supporting these practices. Some of these practices are followed at John Jay; others are not. It will be up to the broader College community to determine whether any practices presented here should become part of our governance system.

The report is divided into five sections. Section I outlines the steps taken to meet our charge. Next, we provide in Section II, as background, the CUNY policies on campus governance and the standards on governance prescribed by the Middle States Commission on Higher Education. After that, Section III of the report addresses one of the first difficult questions we faced as a committee – what exactly does "shared governance" mean? In Section IV, we discuss the 1966 "Statement on Government of Colleges and Universities" jointly formulated by the American Association of University Professors, the American Council on Education, and the Association of Governing Boards of Universities and Colleges. Much of the literature on governance is built on principles enunciated in the statement, and many governance systems are structured around them. However, there is a growing debate, also addressed in Section IV, about the extent to which principles set out in the 1966 Joint Statement are still applicable given the significant changes in higher education since the statement was issued.

The core of our report is contained in Section V, which is organized around the best practices in shared governance most prominently reflected in the literature we reviewed. With each practice, we include examples taken from the literature, other institutions' governance plans, and our interviews with

administrators, faculty and staff at other institutions. These examples are intended to serve as illustrations rather than endorsements of particular practices. We present some concluding thoughts in Section VI.

I. Addressing our charge

Although we cite significant academic literature, this report is not intended to be an academic study on shared governance. That was not intended by our charge, and it also was impractical given our timeline. However, we believe that the approach we took meets our task and, more importantly, provides the College community with information that may be helpful in any future discussions of governance. All of us on the committee come away from this experience with a much deeper understanding of the issues surrounding shared governance at colleges and universities.

All told, the committee met on seven occasions in the spring, summer and fall of 2015. In large part, the time was devoted to discussing tasks members completed between meetings. We set up shared Dropbox folders to save our work and make it available to everyone on the committee.

After some discussion in our initial meetings, we decided to have all members of the committee involved in each step of our project. In part, this was driven by our belief that all committee members should participate in the literature review, as that knowledge would allow the full committee to develop the "rubric" used to review other governance plans and draft the questions used for our interviews.

Academic and association literature on governance was identified using the library resources, and these works were divided among members of the committee. The committee reviewed that literature seeking answers to the following questions: 1) what is "shared governance," and why is it important? 2) what are best practices in shared governance? 3) what are some practical applications of shared governance? 4) what are some obstacles to effective shared governance and how can they be overcome? and 5) what are some new directions and/or alternatives to shared governance?

We used the notes from the literature review to develop a rubric for our examination of governance plans of other institutions. A copy of the rubric is provided in the Appendix to this report.

Using this, the committee reviewed governance plans for all CUNY senior colleges[1] and five institutions outside CUNY.[2] The institutions were divided among members of the committee, and reports were included in the committee Dropbox folder and discussed in the committee's meetings.

We conducted the interview phase of the project over three weeks in the fall. Although we reviewed the written governance plans, the committee believed it would be beneficial to speak to administrators, faculty, staff and students at selected institutions to gain a better understanding of the actual operation of their governance systems. Time prevented us from conducting interviews at all institutions, so interviews were conducted at six institutions – four in CUNY (Brooklyn College, College of Staten Island, Hunter College and Lehman College) and two outside institutions (The College of New Jersey and SUNY-Orange).[3]

For each institution, the chair of the committee contacted or attempted to contact by email administrators, faculty, staff, and student leaders[4] to schedule interviews, sending with the request the questions developed by the committee (the interview questions are included in the Appendix to this report) and assuring each that we would keep their identity confidential. Some did not respond to our requests or declined to participate, but many we contacted were enthusiastic participants. In the end, we completed phone interviews, completed in teams of two committee members, with thirteen individuals and written answers to our questions were received from two others unable to schedule a call with us.

[1] Most of the governance plans are available on each institution's website. If not, the committee obtained the plans either through the CUNY Office of Legal Affairs or directly from the institution with the assistance of Marjorie Singer, Assistant Vice President and Counsel at John Jay. Although we reviewed John Jay's charter, we primarily focused on governance plans of other institutions.

[2] Two outside institutions were selected from among recipients of the AAUP's Ralph S. Brown Award for Shared Governance -- The College of New Jersey (2006), and Gustavus Adolphus College (2015), two were selected from recipients of SUNY's Shared Governance Award - SUNY-Fredonia (2014) and SUNY-Orange (2015) , and one was recommended to the committee by Professor William G. Tierney, a nationally recognized expert on governance and Co-Director of the Pullias Center for Higher Education at the University of Southern California –Evergreen State College.

[3] The institutions we selected for the interviews have governance systems with one or more unique features of interest to the committee.

[4] Specifically, we emailed individuals at each institution holding the following positions and requested interviews: the presiding officer or a member of the executive committee of the college-wide governance body, the provost or provost's designee, one of the CUNY institution's representatives to the University Faculty Senate, the chair of the HEO council or equivalent body, a representative from the institution's union chapter, a representative from student government, and other individuals who might be identified in our interviews.

These fifteen included administrators, faculty and staff (no students participated). The individuals were fairly well distributed across the institutions, with two from each of the CUNY institutions, three from The College of New Jersey, and four from SUNY-Orange. The committee members generally believed that the interviews added significantly to our work. Many of those interviewed went beyond answering the scripted questions and engaged in an extensive conversation about governance at their institutions. In addition, many expressed interest in our project and requested a copy of our final report.

II. CUNY Policies and the Middle States Commission on Higher Education Standard

A. CUNY Policies

University policies on campus governance are primarily set out in the CUNY Bylaws, available on the CUNY website.[5] The committee also sought guidance on CUNY policies from Marjorie Singer, Assistant Vice-President and Counsel at John Jay, and a portion of this section is taken from a memorandum she prepared for the committee. The committee greatly appreciates her assistance.

The organization and duties of the faculty with regard to college governance are generally contained in Article VIII of the CUNY Bylaws. Although the article sets out governance requirements, Section 8.11 of the article notes that "[t]he provisions in duly adopted college governance plans shall supersede any inconsistent provisions contained in this article," thereby giving each college significant discretion in the development of its campus governance plan.

Section 8.6 requires each college to have a faculty or academic council "which shall be the primary body responsible for formulating policy on academic matters." There is no requirement that this council be comprised exclusively of faculty members. Section 8.5 sets forth the duties of the faculty, requiring that they meet at least once in each semester. This faculty group, which could satisfy the requirement set forth in section 8.6, is required to make its own bylaws and "conduct the educational affairs customarily cared for by a college faculty." Also under Article VIII, every college must have a committee on faculty personnel and budget (Section 8.7). The chair of that committee shall be the president, but there are no other mandatory members.

[5] The CUNY Bylaws are available at http://www2.cuny.edu/about/trustees/the-board-of-trustees/.

Beyond the CUNY Bylaws, governance guidelines are presented in the CUNY "Manual of General Policy" (also available on the CUNY website). The manual itself is not legal authority, but it "consolidates the non-bylaw policy action items adopted/amended by the CUNY Board of Trustees." There are numerous policy items from the Board minutes relating to governance and included in the manual. Specifically, the following items are contained in Policy 2.08[6] ("Governance of the University"):

- The focus of major decision-making within the University is at the college level (BTM,1971,02-09,001,__);
- each college is free to develop its own governance structure to create a climate under which rationality can be focused on important issues (BTM,1971,02-09,001,__);
- budget and planning decisions should be reached only after all members of the community have the opportunity to make their views known ((BTM,1971,02-09,001,__);
- the president and campus administrators should be included in all decision-making bodies of the college given that they will be responsible for implementing decisions (BTM,1971,02-09,001,__);
- the faculty is primarily responsible for academic matters, and that responsibility extends to the personnel responsible for that program (BTM,1971,02-09,001,__);
- students should participate in academic decision-making (BTM,1971,02-09,001,__);
- decision-making in academics should provide for the input of new faculty and the periodic change of leadership (BTM,1971,02-09,001,__);
- students should have primary decision-making regarding student activities with input from the faculty and administration as needed (BTM,1971,02-09,001,__); and
- "the college community can meet the needs of its membership only if the individual members share a commitment to self-government, which provides for the widest expression of differing views within a framework of rationally and calm designed to prevent interference with the rights of the individual members of a community." ((BTM,1971,02-09,001,__).

B. Middle States Commission on Higher Education Standard

The MSCHE's *Characteristics of Excellence in Higher Education* (2006)[7] includes an accreditation standard relating to governance (Standard 4):

> The institution's system of governance clearly defines the roles of institutional constituencies in policy development and decision-making. The governance structure includes an active governing body with sufficient autonomy to assure institutional integrity and to fulfill its responsibilities of policy and resource development, consistent with the mission of the institution.

[6] The citations to each of the items refer to the Board of Trustees minutes, year, month, and day of the meeting at which the action item was passed, section number and action item letter, if any.
[7] The MSCHE's *Characteristics of Excellence in Higher Education* are available at https://www.msche.org/publications/CHX-2011-WEB.pdf.

In its explanation of the standard, MSCHE notes that each constituency is expected to contribute to decisions so that policy makers are able to consider information from all interested parties. Also, while collegial governance structures should reflect the mission, perspective, and culture of the institution, they also should reflect the need for timely decision-making. Finally, the institution is expected to possess 1) a system of collegial governance that outlines governance responsibilities of administration and faculty and that is readily available to the campus community; and 2) written governance documents that delineate the structure of the governance system, its duties and responsibilities, assigns authority and accountability for policy development, including a process of involvement of appropriate constituencies in decision-making, and provides for student input in decisions that affect them.

III. What is "shared governance?"

We discovered in our early meetings that members of the committee had somewhat different understandings of the meaning of "shared governance," even though most of us have significant experience in governance at John Jay. Our situation was not unusual. In a national survey of faculty and administrators, Tierney and Minor (2003) found a wide range of definitions of shared governance. Also, as one former university provost asserted in a 2009 article in the *Chronicle of Higher Education*, the term often is invoked so differently that it "is becoming what some linguists call an 'empty' or 'floating' signifier, a term so devoid of determinate meaning that it takes on whatever significance a particular speaker gives it at the moment" (Olson, 2009). Thus, the committee concluded that an important first step in our task was to identify a working definition of the term

Many definitions of "shared governance" are presented in the literature, but we believe that a combination of the following three best represents the concept:

> Shared governance is a social system of self-government wherein decision-making responsibility is shared among those affected by the decisions (Schuetz, 1999);
>
> Shared governance is both an ideal and an operational reality that pertains to ways in which policy decisions are made in colleges and universities (Hines, 2000); and
>
> [G]overnance is a process and outcome. Governance provides the foundation upon which organizations may prosper or fail. Governance is also little more than what a foundation is to a house — it is the individuals who make that house a home. Governance is a mixture of academic

> cultural norms that have been built up over time and the localized cultural norms of a specific institution (Tierney, 2006).

We were attracted to these definitions because we believe they correctly reflect that shared governance involves contributions to decision-making by those impacted by it, and those at the institution who give it life and vitality contribute to its meaning.

IV. Associations and the 1966 "Joint Statement"

In 1966, the American Association of University Professors (AAUP), the Association of Governing Boards of Universities and Colleges (AGB), and the American Council on Education (ACE) jointly approved a "Statement on Government of Colleges and Universities" setting out principles to be followed to establish sound structures and procedures in shared governance. The statement continues to be published in the AAUP's *Policy Documents and Reports* (2015) (often referred to as the "Redbook" and currently in its 11th edition), and its 1966 adoption has been referred to as a "milestone in the history of college and university governance in the United States" (Gerber, 2014). The Joint Statement describes the relationship among trustees, administrators, faculty, students and others as based on "mutual understanding," "joint effort," and "inescapable interdependence," and sets out two overriding principles of joint effort: "(1) important areas of action involve at one time or another the initiating capacity and decision-making participation of all the institutional components, and (2) differences in the weight of each voice, from one point to the next, should be determined by reference to the responsibility of each component for the particular matter at hand, as developed hereinafter" (Birnbaum, 2004).

The Joint Statement recognizes areas of expertise within the college and university community and assigns primary governance responsibility based on that expertise. Specifically, the faculty should have primary responsibility for curriculum, subject matter and methods of instruction, research, faculty status, those aspects of student life which relate to the educational process, and degree requirements. The power of review over these decisions by the board or president "should be exercised adversely only in exceptional circumstances, and for reasons communicated to the faculty." The Joint Statement recognizes that in other areas – long-range planning, budgeting, facilities, selection of the president – the

administration and/or board plays a more significant role, although also noting the need for meaningful involvement by constituent groups, including faculty. Beyond faculty and administration roles in governance, the Joint Statement states that "[w]ays should be found to permit significant student participation within the limits of attainable effectiveness" but identifies numerous obstacles to student involvement, such as inexperience, unknown capacity and their transitory status.

The Joint Statement principles and allocation of governance responsibilities are reflected in much of the literature on shared governance as well as in the structure and operation of college and university governance systems. However, this approach to governance, with a specified division of authority between the faculty and administration and with extensive consultation, has its critics (e.g., Duderstadt, 2004; Bowen and Tobin, 2015). Most notably, although a party to the Joint Statement, the Association of Governing Boards of Universities and Colleges (AGB) wrote in a 1998 statement that "[m]any presidents, governing boards, and faculty members believe that institutional governance is so cumbersome that timely and effective decision making is imperiled; factionalism, distrust and miscommunication, and lack of engagement among the parties can impede the decision-making process" (Association of Governing Boards of Universities and Colleges, 2010).[8] The newer AGB statement accepts the value of shared governance ("The meaningful involvement of faculty and other campus constituencies in deliberations contributes to effective institutional governance."), but it retreats from the prescribed division of authority between faculty and administration set out in the Joint Statement, and, instead, merely encourages boards to be clear on decision-making authority at the institution, however that might be allocated. In addition, the AGB statement reinforces the authority of boards to challenge or reject "decisions or proposals it judges to be inconsistent with mission, educational quality, or fiscal integrity."

The AGB statement also promotes greater nimbleness and adaptability by educational institutions that, the association argues, are essential in today's environment. As Duderstadt (2004, 142) asserts, the academic tradition of drawn out consultation, debate and consensus building before a decision is reached,

[8] The AGB statement was first issued in 1998, with some revisions in subsequent years.

"poses a particular challenge …. because the process is frequently incapable of keeping pace with the profound changes occurring [in] higher education."

Some have criticized the more managerial approach to governance recently articulated by the AGB, arguing that it lowers morale, increases conflict and reduces institutional values (Kezar and Eckel, 2004). Additionally, Birnbaum (2004) argues that, although faculty involvement in shared governance may slow down the process, it ensures a full discussion of the issues, and reinforces a sense of order and stability at the institution. Also, contrary to arguments, he claims that academic institutions have been able to respond effectively to environmental conditions.

V. Best practices in shared governance

In this section we set out what we believe to be some of the best practices in shared governance. We also provide specific examples of these practices taken from our review of governance plans at other institutions and our interviews of administrators, faculty and staff at other institutions. The list set out below is not exhaustive but contains those practices that the committee found emphasized throughout most of the literature. They promote openness, collaboration and mutual trust, all elements of effective governance (Finsen, 2002; Tierney and Minor, 2003; Del Favero, 2003).

We did not identify any single governance structure as a "best practice." According to many scholars, there is no ideal governance structure, and the best system will vary from institution to institution depending on context, history and values (Birnbaum, 2004; Kezar, 2004). While recognizing that governance structure is important for facilitating access, defining authority and identifying lines of communication, scholars have increasingly recognized that people, interpersonal dynamics and culture influence governance more than structure (Kezar and Eckel, 2004). As Birnbaum (2004) argues, citing a 1982 study by the Carnegie Foundation for the Advancement of Teaching, "the best measure of the health of the governance structure at a college is not how it looks on paper, but the climate in which it functions."

A. Promote a common understanding of and commitment to shared governance

One of the most important best practices the committee identified is for the institutional constituencies to have a common understanding of and commitment to shared governance. In an often cited study based on surveys administered at 763 institutions, Tierney and Minor (2003) find overwhelming support for shared governance among both faculty and administrators but uncover significant disagreement about the meaning of the term. Approximately one-half believed it involves "fully collaborative decision-making" under which the faculty and administration make decisions jointly across all areas with consensus as the goal; approximately one-quarter believed it involves "consultative decision-making" under which faculty are consulted but ultimate authority in all areas rests with the senior administration and the board of trustees; and the remaining believed shared governance involves "distributed decision-making" under which the faculty make decisions in certain areas and the administration and board in others. The authors assert that if members of a campus community hold such dissimilar views about the meaning of shared governance, strife, conflict and an ineffective governance system is likely to follow. Thus, to prevent varied expectations of decision-making, they recommend that institutions clearly articulate the meaning of the term.

Some scholars argue that a clear statement of the missions and goals of governance is more important than specific structures and processes (Kaplan, 2004; Hearn and McClendon, 2012). A common understanding of shared governance, consistently reinforced though actions, will increase trust among faculty and administrators (Bahls, 2014). It also may reduce the "us against them" conflict that oftentimes threatens effective governance (Hamilton, 2002).

Baruch College includes a statement of governance principles its charter, appearing in the preamble:

> The governance of the Bernard M. Baruch College, hereafter, the College should be and is the concern of all members of the College community: students, faculty and administration. All of these constituencies must participate in the maintenance and contribute to the development and governance of the College. Each constituency has its particular area of primary concern, a reality recognized by this Governance Charter. All

> constituencies also have a common concern in the governance of the College--another reality recognized by this Charter. Because the various constituencies of the College are interrelated and possess common concerns, this Charter provides for communication between constituencies and joint participation on matters of mutual or general concern.
>
> It is the policy of the College and its various Schools and Departments to provide for participation by students, faculty and administration in all appropriate areas of governance, including membership on all committees, except those for which specific structures of participation are otherwise provided.

Among non-CUNY governance plans we reviewed, SUNY-Fredonia, The College of New Jersey, and Gustavus Adolphus College have adopted statements of governance principles. The SUNY-Fredonia statement is part of its governance plan:

> At SUNY Fredonia, shared governance means that decisions have been inclusively, deliberatively, and openly considered and effectively communicated across the campus …. It means that the President and University Senate Executive Committee have agreed on the appropriate governance process for different kinds of decisions …. It means that, for each decision, all relevant, appropriate, and involved campus constituencies have made sincere, sustained, and systematic efforts to exchange information, advice, and recommendations, to encourage participation, engagement, and accountability, and to assign, delegate, and share responsibility and authority in a climate of mutual support and respect.

The College of New Jersey's statement adopts more of a combined collegial/managerial approach to governance on its campus:

> Collegial governance is an internal process authorized by the Board of Trustees. It is designed to promote efficiency and facilitate the work of the College in achieving institutional mission and goals. The Association of Governing Boards of Universities and Colleges noted in its statement on institutional governance (1998) that for practical reasons and given the unique nature of teaching and scholarship, boards delegate some kinds of authority to appropriate stakeholders. In particular the inclusive nature of shared governance safeguards the academic principles from which The College derives its strength and credibility. This document is intended to clarify the rights and responsibilities of the campus community in collegial governance.
>
> All stakeholder groups will have an opportunity to provide input into governance issues through direct membership and through required testimony including that from representative bodies: Student Government (or the Office of Graduate Study for graduate student members), Staff Senate, and Faculty Senate. Committees are balanced based on organizational structure and include underrepresented groups. The open and participatory system depends on early and ongoing consultation with the campus community, which must be informed of pending issues. Committees and Councils are expected to present timely and thoughtful recommendations to the administration concerning policy, procedure, and program. The structure is intended to support the President and other Cabinet members by providing an organized forum for all stakeholder groups to become informed about issues and to influence the decision-making process.

Gustavus Adolphus College sets out its governance principles in a five page document intended to "clarify and recommit to the foundational principles and best practices of a shared governance model."[9] The principles there were developed after a series of open meetings intended to contextualize the meaning of shared governance reflected in college policy documents.

B. Delineate clear roles of campus constituencies and governance bodies

Many scholars find that conflicts and challenges relating to governance oftentimes come from uncertainty over who at the institution is involved in which types of policy decisions and uncertainty over the extent of that involvement (Tierney and Minor, 2003). For example, when an issue arises at the institution, should it primarily be resolved by faculty, by the administration, or both? If primarily by the faculty, what role should the administration play, recognizing that the administration may be called on to implement the policy? If by the administration, what type of consultative role, if any, should be played by the faculty or other constituencies at the institution?

As King (2013) notes,

> [i]t is important to have an explicit written description of who does what in shared governance, what parties have what roles, what the expectations are, what is simple advice and what is more than simple advice, and how these may vary among different sorts of issues.

Both the1966 Joint Statement and the subsequent AGB policy statement recognize the need to define roles in governance. The Joint Statement specifically delineates the roles of faculty and administration, while the AGB policy statement merely recognizes the need for the board to identify roles.[10]

In differentiating roles and expectations, a distinction can be made between three types of decisions: 1) consultative decisions, where the faculty has been consulted by the administration but the administration makes the final decision; 2) co-determinative decisions, where the faculty has given both its advice and consent; and 3) all-but-determinative decisions, where a faculty decision is overruled rarely

[9] The document is available at https://gustavus.edu/facultybook/concertFiles/media/Gustavus%20Shared%20Governance%20Principles.pdf.
[10] As the AGB (2010) policy notes, "Governance documents should state who has the authority for specific decisions—that is, to which persons or bodies authority has been delegated and whether that which has been delegated is subject to board review."

for explicit reasons that need to be defended (Weingartner, 2011). Governance problems often arise when members of the college community have different views over which decisions fall into which categories or when decisions drift from one category to another (Weingartner, 2011).

Assigning primary roles does not mean that other constituencies do not also contribute to those decisions. Primary role assignment might serve as a guide in the allocation of seats on committees. For example, The College of New Jersey governance plan provides that "each committee and council…is assigned members consistent with its stated charge, with representational balance based on which stakeholder group has responsibility for the primary 'voice' as determined by the charge." [11] Also, even in those areas where the faculty may be given primary responsibility, administrators can play an important role on the committee, by providing relevant information needed to reach a decision and addressing any issues of implementation (Weingartner, 2011).

A number of CUNY governance charters delineate roles of campus constituencies in governance decisions, oftentimes though structural features. For example, the Hunter College charter creates the Hunter College Senate, a 100-member body comprised of 57% faculty (both full-time and part-time), 38% students and 5% administration and specifically assigns to it policymaking powers in six areas: 1) curriculum; 2) academic requirements; 3) development, review and forward planning of facilities, staff, and fiscal requirements; 4) instruction and the evaluation of teaching; 5) safeguarding the academic freedom of all members of the Hunter community; and 6) other matters which may be subsequently assigned to the legislative prerogatives of Hunter College. Thus, the composition of the senate recognizes that faculty, by virtue of holding the majority of seats, has primary governance responsibility in the assigned areas.

The College of Staten Island also defines its roles though its governance structure.[12] Its charter creates both a Faculty Senate and a College Council; the Faculty Senate (and its standing committees) has responsibility for the "principal academic policy decisions of the College including admissions criteria,

[11] The College of New Jersey governance plan is available at https://academicaffairs.tcnj.edu/files/2015/07/Governance-Structure-and-Processes-2011.pdf.
[12] Its charter is available at http://www.csi.cuny.edu/privacy/governance.pdf.

academic programs, degree requirements, and graduation requirements" and is comprised almost exclusively of faculty, joined by two college laboratory technicians, and five administrators. The College Council, made up of all members of the Faculty Senate, seven HEOs, eight students, and ten administrators, primarily serves as a consultative body in areas not covered by the Faculty Senate's responsibilities. Its College Council rarely takes votes on matters; rather, it primarily serves as a forum for administrators, including the President, and others to give reports and take questions from members. As described in one of our interviews, the division of responsibilities between the Faculty Senate and College Council essentially reflects the division of responsibilities recommended in the 1996 Joint Statement. [13]

While these examples address roles of campus constituencies within structures and processes, shared governance also occurs informally, as questions oftentimes arise outside the formal governance system (Eckel, 2000). For example, an issue arises over classroom facilities – what role, if any, is played by the faculty in resolving it, and, if the faculty do play a role, how is that exercised? One way is to expressly recognize in governance documents the decision-making roles of campus groups in both formal and informal settings. For example, Baruch College, in the statement of principles set out above, recognizes that the charter defines areas of primary concern that also might be followed in informal decision-making. The statement of governance principles of Gustavus Adolphus College referenced above also includes a listing of policy areas and assigns primary and consultative authority in both formal and informal decision-making, largely following the delineation of roles in the Joint Statement.

Beyond clarity in the respective roles of campus constituencies, best practices suggest that governance plans also be clear on the roles of governance bodies and their relationships to each other in the governance system. However formal governance is organized at an institution, scholars have found that clear structures, roles of governance bodies, and lines of authority promote effectiveness (Birnbaum, 1988; Kezar and Eckel, 2004). This includes well-articulated committee charges and procedures and

[13] Among the non-CUNY schools, Gustavus Adolphus College has the most detailed expression of governance roles. It lists policy areas (e.g., selection of the president, curriculum, strategic planning, etc.) and, generally mirroring the 1966 Joint Statement, explicitly identifies which campus constituency has primary responsibility in that area (https://gustavus.edu/facultybook/concertFiles/media/Gustavus%20Shared%20Governance%20Principles.pdf).

defined relationships between standing committees and the larger campus governance body (Weingartner, 2011). Having clarity in these areas also may promote procedural justice, or the perceived fairness of the process through which decisions are made. Procedural justice helps assure that the decisions are perceived as legitimate (Birnbaum, 2004).

The SUNY-Orange governance system provides an example of clear structures and relationships. Its campus-wide governance body, the Assembly, is made up of all academic, professional and administrative staff, but the bulk of its governance work takes place in its fifteen standing committees, each having a specifically described area of responsibility. At the beginning of each academic year, recommendations for proposals to be put to the standing committees are solicited from the administration, the Executive Committee of Governance, and the wider college community. After a discussion with standing committee chairs, appropriate issues are assigned to committees with a specific task and a timeline for completion. Ad hoc committees may be formed to take on issues that committees are unwilling or unable to address.[14] Once the task is completed, the committee makes a recommendation to the Executive Committee for consideration by the full Assembly. At the end of each academic year, each standing committee must prepare a report that describes its accomplishments, how it addressed charges put to it, and goals for the next year. Faculty and administrators we interviewed from that campus believed the process worked well.

At The College of New Jersey, all new governance business relating to college policy, procedure, or programs is submitted to a ten person executive Steering Committee (consisting of the Provost, three faculty members, three staff members, and three students). The Steering Committee reviews proposals and then allocates each piece of new business to the appropriate standing committee or program council along with a clearly stated charge. This begins a three-step policy process outlined in the governance plan.[15] It begins with Step 1:

[14] Any issues that come up during the academic year proceed through a similar assignment process.
[15] The "Three-Step Process" is described at https://academicaffairs.tcnj.edu/college-governance/a-governance-toolbox/.

> Identifying and reporting the problem: When a Standing Committee or Program Council receives a charge from the Steering Committee, the issue will be communicated to the campus community by posting to the Governance website (www.tcnj.edu/~steering). The charge should be set out clearly and should indicate the difficulties or uncertainties that need to be addressed through new or revised policy, procedure, or program. The charge should be broadly stated and should include a context such as existing policy or practice. Charges may include solution parameters but should not recommend any specific solutions. Clearly stated charges will lead to better recommendations.

The second step in the policy process outlines the work the committee must undertake to develop a preliminary recommendation, including receiving input from affected individuals and all relevant groups before making that recommendation. The third step requires that the campus community have the opportunity to comment on the preliminary recommendation before a final recommendation is made.

In our discussions on governance processes, a number of members on the committee raised questions about the impact of ad hoc committees upon established governance plans. An ad hoc committee might be an effective way to address one-time or infrequently occurring issues efficiently, particularly when the task might not fit any existing committee (Weingartner, 2011). However, conflicts might arise if the charge of an ad hoc committee infringes on the jurisdiction of a standing committee or if some in the community do not believe the committee is representative or does not have the necessary expertise. We noticed many governance plans were silent on ad hoc committee formation and membership, although many give the authority to the campus-wide governance body. For example, the Lehman College Senate bylaws state that "ad hoc committees may be created by action of the Senate for specific purposes. Ad hoc committees shall be elected or appointed as the Senate may decide in each instance."[16]

Some institutions use ad hoc committees extensively in their governance system with detailed processes for their formation. For example, Evergreen State College relies on ad hoc committees, which it refers to as "disappearing task forces" or DTFs, for many its governance issues.[17] There, at the start of each academic year, the president, vice presidents and faculty agenda committee (essentially an executive

[16] Article IV, Section 3. The Lehman College governance plan is available at http://www.lehman.edu/college-senate/governance.php.

[17] Description of DTFs can be found at http://www.evergreen.edu/committee/whatisadtf.htm. A listing of past and current DTFs can be found at http://www.evergreen.edu/committee/.

committee) determine the issues appropriate for formation of DTFs. The faculty agenda committee reviews and approves faculty appointments to DTFs based on expertise and diversity of viewpoints. Each DTF receives specific charge from the administration, including a timeline for completion of its task, and DTF recommendations may be presented to the college wide governance body for discussion and approval. For example, this academic year, there is a "College Readiness" DTF charged with assessing academic preparation prior to matriculation, exploring best practices for helping students who could benefit from targeted academic attention, and identifying best practices to support faculty teaching students who need additional academic attention.

C. Engage in extensive communication

Extensive communication between administrators and faculty has been identified as an important element of effective governance, as it promotes effective decision-making and openness. Broad communication ensures that parties involved in reaching decisions have access to complete information necessary to resolve the question and avoids misconceptions from information being spread by word of mouth (Tierney and Minor, 2003). Also, the failure of administrators to communicate early and often with the faculty in the decision-making process may lead to increased suspicion among the faculty that decisions have already been reached or that faculty involvement is superficial (Bahls, 2014). Beyond effective decision-making, communication also promotes transparency in governance system operations, encouraging contributions from a wider range of institutional voices and increasing participation.

Communication is a critical element in policy areas where there is consultative decision-making, e.g., where decisions are reached by the administration after consultation with faculty and/or other campus constituencies. An effective consultative process has a number of components: 1) early input from those being consulted; 2) recognized procedures for the consultation process; 3) availability of full information; 4) the time and ability to develop adequate feedback; and 5) communication of decisions (Dill and Helm, 1988). If consultative processes are instituted and the advice produced is used, then relationships and trust, both important components of effective governance, are strengthened (Kezar,

2004). However, if consultation is sought, but the views solicited are not considered, then shared governance is threatened (Weingartner, 2011).

In our interviews, a number of faculty on other campuses identified poor consultation processes as a weakness of their governance systems. These problems might be avoided with a more structured or recognized process followed in both formal and informal settings. A number of CUNY governance plans require consultation processes in one or more areas. Baruch College requires the president take certain steps when setting up search committees for some positions. For example, before forming a search committee for a new school dean, the president must consult with the executive committee of the school and the executive committee of the faculty senate, at least one third of the faculty members must be from the school for which the new dean is being sought, and the committee must include at least one student from the majors in the school selected by the school's executive committee in consultation with student government.[18]

SUNY-Fredonia has adopted one of the more formal consultation processes among the governance plans we reviewed. Adopting the AAUP divisions of primary and consultative authority of the faculty, its governance plan notes that consultation may occur in three ways – the president makes a recommendation and invites a response from the university senate, the president invites a recommendation from the university senate and responds to it, or the university senate makes a recommendation and seeks a response for the president. In the first two methods, unless a specific path of consultation is set out in the governance plan, the consultation will be with the senate, although the senate may designate one of its committees to participate in the consultation, subject to the full body's final approval. Once the recommendation is made, the governance plan directs the president to makes his her decision no sooner than ten days nor longer than fourteen.[19]

These examples recognize formal consultative processes involving senior administrators and faculty. However, informal consultation also regularly occurs between all levels of the administration and

[18] Article IX, Section C.
[19] The president can also "re-set" the consultative process through a counter-recommendation to the senate.

faculty. The components of an effective consultation process outlined above also would apply in these informal situations.

Another dimension of communication in governance is openness. Openness will promote the flow of information, increase contributions to issues pending before governance bodies, and increase trust and legitimacy (Cordes, Dunbar and Gingerich, 2013; Bahls, 2014). One way to promote openness is to make governance information readily accessible. Members of the committee were particularly impressed by governance websites at many institutions that provide significant information beyond membership of governance bodies, agendas and meeting minutes. For example, on Hunter College's College Senate website, [20] each standing committee of the College Senate has its own page that includes its committee charge, membership categories (both voting and *ex officio*), current committee members, and current semester meeting dates and locations (part of an overall calendar for all governance meetings). Among the non-CUNY institutions, The College of New Jersey's college governance website includes not just committee membership and charges but also minutes, a description of all matters pending before each committee with their status' and a diagram of the governance system showing the relationships between the formal governance bodies.

D. Promote broad participation

Effective governance requires broad participation, as high levels of involvement increase the likelihood of valuable input that can improve a policy or decision (Minor, 2003; Birnbaum, 2004). In addition, the inability to bring new faculty into governance regularly may lead to governance bodies being less representative of faculty interests (Weingartner, 2011).

Apathy and lack of trust are the most significant barriers to meaningful faculty participation in governance bodies (Tierney and Minor, 2003). This was confirmed in many of our interviews with administrators and faculty at other institutions, as a number believed that low levels of participation by faculty, particularly senior faculty, was something they needed to correct. A number of those interviewed mentioned the difficulty in rewarding faculty for service given the existing demands on their time. In

[20] The Hunter College Senate website is available at http://www.hunter.cuny.edu/senate/.

addition, another challenge raised in the interviews was convincing junior faculty that they had a meaningful role to play in governance beyond the accumulation of service credits for promotion and tenure.

According to the literature, the primary way to increase participation in governance is to make involvement meaningful (Dimond, 1991; Minor, 2003). Some have argued that meaningful involvement requires having governance bodies, particularly committees, with leaders committed to providing direction and being focused on outcomes (Kezar, 2004) while others emphasize the need to ensure that committees address more important issues and make better use of faculty members' expertise and interests (Gaff, 2007) . Reducing the size of committees also has the potential for increasing their effectiveness, although doing so will decrease their representativeness (Weingartner, 2011).

Some institutions attempt to bring more faculty into governance and increase the diversity of viewpoints addressing an issue by instituting term limits for committee members and/or governance leaders. For example, Weingartner (2011) argues that a standing committee be organized with multi-year staggered terms with term limits to promote effective representation of constituency groups. Both SUNY-Fredonia and The College of New Jersey follow that recommendation, providing that membership on committees and some other governance bodies be limited to no more than two consecutive three-year terms. Baruch College, in Article II of its charter ("Diversity of Faculty Participation"), imposes term limits for service on particular committees, restricts serving on certain committees simultaneously, and limits the number of department chairs serving on some committees.

Some scholars argue that leadership development will draw more into governance positions and increase system effectiveness (Lee, 1991). Although not a leadership program, The College of New Jersey provides a "Governance Toolbox" page on its website that, in part, provides guidance to committees on ways to solicit feedback on issues pending before them and explains the three steps each committee should take to address a task and ultimately reach a recommendation.

E. Undertake periodic assessments of governance

Many assert that processes and outcomes of governance systems should be assessed from time to time and, based on the results, action plans developed to improve them (King, 2013; Bahls, 2014). Regular assessment of the governance system is one of the AAUP's indicators of sound governance (Ramo, 2001).

Some governance plans incorporate requirements for regular assessment of their governance systems. For example, within CUNY, the Hunter College charter, revised in 2015, mandates that a review of the composition, structure and operation of the College Senate take place within the next three years by an impartial group empowered to propose amendments or revisions.[21] In addition to this required review, the governance plan also creates a standing Committee on Charter Review that is "empowered to review the composition, structure and functions of the Hunter College Senate and to propose to the Senate amendments to the Governance Plan…."[22] That committee is made up of faculty, students, and one member of the administration serving *ex officio*.

We also came across some descriptions of assessment activities at institutions outside CUNY, one at Cabrini College (Cordes, Dunbar and Gingerich, 2013) and another at Ramapo College.[23] In the Cabrini College assessment, a committee made up of faculty and administrators used survey instruments to undertake a SWOT (strengths, weaknesses, opportunities and threats) analysis of the governance system generally and of individual committees. The assessment focused on a number of questions: 1) does the governance structure promote an equal distribution of faculty involvement and move decision making along in a reasonable way? 2) does it create a balance of power within the college? 3) is its structure understandable to all faculty members? 4) does it facilitate proper communication between committees? 5) is it too bureaucratic? and 6) does it meet the administration's needs?

[21] Hunter College Charter, Article II, Section 3 (available at http://www.hunter.cuny.edu/senate/repository/files/documents/h-c-governance-charter-as-approved-by-senate-5-20.pdf).
[22] Hunter College Charter, Article VII, Section 14.
[23] The committee's report is available at http://www.ramapo.edu/fa/files/2013/04/SharedGovReport-Final.pdf.

The Ramapo College assessment took a different approach. The committee there took an unbiased sample of significant decisions over the preceding four years, and, for each decision, assessed the extent to which shared governance was successfully achieved and analyzed the various factors that contributed to that success. Their study focused on course and program approvals, senior administration position searches, and a number of academic policy decisions. They evaluated each using a rubric developed from their review of governance literature and a working definition of 'shared governance."

Finally, the AAUP's Committee on College and University Government has approved a tool to assess the extent to which institutional practices are consistent with national standards for shared governance. It is available on the AAUP's website.[24]

V. Conclusion

When the committee began its task, many members had different perceptions of shared governance. We end our task with a better understanding of its complexities, how it contributes to the health and vitality of an institution, and how its success is affected by people, culture and commitment.

There is little discussion in this report on the roles of students and staff in shared governance. That was not an intentional choice by the committee but a result of the literature primarily focusing on the roles of faculty and administrators in governance processes. Like other constituencies, best practices suggest the roles of students and staff in shared governance should be well-defined in the governance documents.

Overall, we believe that we have identified five best practices in shared governance: 1) promote a common understanding of and commitment to shared governance; 2) delineate clear roles of campus constituencies and governance bodies; 3) engage in extensive communication; 4) promote broad participation; and 5) undertake periodic assessments of governance. The specific examples we provide for each practice are not necessarily ideal representations, but they are illustrations of how these institutions are attempting to further principles of shared governance through their formal and informal

[24] The indicators are available at http://www.aaup.org/NR/rdonlyres/88582027-8022-463A-9063-09073CD07766/0/indicatorsofsoundgovernance.pdf.

processes. Many other institutions not investigated here undoubtedly promote these practices in a variety of ways and, possibly, more effectively; thus, other examples should be explored if any of these practices become part of campus discussions on governance.

Appendix

A. Rubric used in review of governance plans

1. What governance bodies are established under the governance plan?
2. Who makes up the membership of each body and what proportion of seats does each hold? Who serves as officers (chairperson, etc.) and how are they selected?
3. What are the membership qualifications and terms of office for members of each of these governance bodies?
4. To what extent do members of these governance bodies represent departments, divisions, schools, etc.?
5. What procedures, including any dealing with voting, agendas, and minutes, are included in the governance plan for each of these bodies?
6. Do these bodies have executive committees and, if so, who serves, how are they selected, and what authority do they have?
7. What procedures must these bodies follow (e.g., Roberts Rules of Order, etc.)?
8. What are the charges/responsibilities for each of the governance bodies?
9. How are these governance bodies related to each other, if at all (e.g., committees, subcommittees, etc.)? A chart would be helpful.
10. How does the policymaking process operate under the governance plan (e.g., how are matters initiated? must some or all decisions of lower governance bodies be approved by a campus-wide governance body? are decisions on some or all matters recommendations to the president or some other individual or are they final decisions once made by the governance body?).
11. How does the governance plan address the creation of ad hoc committees and/or task forces, if at all?
12. How does the governance plan address the creation/membership of search committees for administrative positions, if at all?
13. If the campus is subject to a collective bargaining agreement, how is it addressed in the governance plan and/or in the collective bargaining agreement?
14. How can the governance plan be amended?
15. Does the governance plan include any type of statement of principles on shared governance?
16. Does the institution have a committee of governance or any other body that assesses the effectiveness of shared governance?
17. To what extent is governance information readily available on the institution's website (e.g., is there a single governance webpage? If so, what is available?)
18. Do any of the governance bodies have bylaws that are available? If so, how do they add to any of the topics listed here?

B. Interview questions

1. Please tell me briefly about your participation in the governance system at _____. What led you become involved? What kind of orientation did you receive?
2. How are proposals introduced into the governance system at _____? How would you describe the decision-making process (e.g., transparent, deliberative, pro forma, etc.)? Can you provide an example of a recent issue or proposal and describe the process through which it was addressed in your governance system?
3. How are members of the wider college community informed on issues being addressed in governance, how do they provide input, and how do they learn of decisions made by governance bodies? How well does this work?
4. What kind of mechanisms do you have to monitor and assess your governance system? How do they work, and how effective are they?

5. What are the strengths and weaknesses of the governance system at _____ and can you provide examples of each?
6. Is there anything you would like to tell us about the governance system at _____ that we haven't discussed?

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