



Task Force on Shared Governance

(formed at the December 10, 2019 Senate Meeting for a 2-year term)

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Charge: To investigate the roles and responsibilities of faculty, administration, and the board of trustees in university governance, and to produce a report and recommendation for the full Faculty Senate to consider by its January 2021 meeting, at the latest.

Final Report

Respectfully Submitted

By Faculty Senate Task Force on Shared Governance

Faculty Senate Shared Governance Task Force Final Report March 11, 2021

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I: Preamble

Effective governance in higher education requires cooperation and trust between and among primary stakeholders. At The University of Tulsa (TU), these stakeholders include most notably the Board of Trustees (Board), the administration, and the faculty. Cooperation and trust may be established and sustained by a set of clear and accepted principles and procedures that outline the primary roles of each of these stakeholders, their appropriate spheres of influence, and policies concerning their relations that best facilitate the long-range planning of the institution, its day-to-day operations, and everything in between.

The Association of Governing Boards in a [2017 White Paper on Shared Governance](#) [1] states that:

“When done well, shared governance strengthens the quality of leadership and decision making at an institution, enhances its ability to achieve its vision and to meet strategic goals, and increases the odds that the very best thinking by all parties to shared governance is brought to bear on institutional challenges. When done well, shared governance engenders an institutional culture of collective ownership and accountability for the institution’s present and future. Further, when faculty, administrators, and boards are actively and collaboratively involved in decision-making processes, decisions are implemented more quickly and more effectively. But strong shared governance also takes effort to cultivate and maintain; it is a tradition unique to the higher education sector, but even senior administrators and faculty—let alone board members, who tend not to be academics—usually lack formal training on the subject.”

In the 2018 Higher Learning Commission (HLC) review of TU, shared governance was an area noted for improvement. The HLC report stated that the university needed “continued development of avenues that promote effective shared governance,” and “a common understanding of what shared governance means within The University of Tulsa context” (p. 41; HLC Report of 4/16/2018) [2]. The Task Force endorses the following comment from the [Statement on Government of Colleges and Universities](#) [3] and seeks to make it real: “The structure and procedures for faculty participation [in shared governance] should be designed, approved, and established by joint action of the components of the institution. Faculty representatives should be selected by the faculty according to procedures determined by the faculty.”

Toward that end, this document provides principles and guidelines for shared governance from several sources, including the [University Bylaws \[4\]](#), the [Statement on Academic Freedom, Responsibility, and Tenure](#) (the “Blue Book”) [5], and the [Faculty Senate Bylaws \[6\] and Senate Constitution \[7\]](#). In the interest of cultivating a shared understanding, this document was produced by a Task Force that included voting representatives of two stakeholders in shared governance—appointed administrators and elected faculty—as well as Board members who observed and provided historical context. Successive presidents of the TU chapter of the American Association of University Professors (TU-AAUP) also observed and contributed. The task force members are listed in the first page of this report.

II: Principles of Shared Governance at TU

1. Governance of a private university is interdependent.

The special environment of private higher education requires governing interdependence among the Board, administration, faculty, and others. The Board is the final institutional authority. Criterion 2.C.4. of the HLC’s Criteria for Accreditation [8] requires that the university’s “governing board delegates day-to-day management of the institution to the administration and expects faculty to oversee academic matters.” According to the Statement on Government of Colleges and Universities [3], the Board gives the faculty “primary responsibility for such fundamental areas as curriculum, subject matter and methods of instruction, research, faculty status, and those aspects of student life which relate to the educational process.” TU’s Bylaws [4] are in accord, providing that “[t]he Faculty Senate provides governance of academic policy as described in the Constitution and Bylaws of the Faculty Senate.” (Section (V)(2)) Accordingly, Article II of the Faculty Senate Constitution [7] gives the Faculty Senate jurisdiction to consider, among other things, “University-wide curricular matters including the creation and retention of undergraduate and graduate programs,” “policies related to teaching and other scholarly activities,” “[s]tandards for admission and retention of all students, the requirements for the granting of academic degrees, and aspects of student life that relate directly to the educational process,” and “[t]he structure of the University as it relates to the delivery of educational and athletic services.”

2. Shared governance requires trust and cooperation.

The Board, administration, and faculty recognize that shared governance requires cooperation, interdependence, mutual respect, transparency, inclusiveness, honesty, integrity, and trust between and among the Board, administration, and faculty. All three groups are committed to maintaining and nurturing shared governance regardless of circumstances that the University may face. Indeed, as the Association of Governing Boards noted in its [2017 report \[1\]](#) on best practices for shared governance: “Effective shared governance is an essential vehicle for ensuring an institution’s capacity to thrive.”

3. Not all university stakeholders take part in shared governance.

The Board, administration, and faculty share governance of academic and curricular policy at TU. Other stakeholders, such as students, alumni, donors, and staff are engaged and inform the three primary stakeholders where and when appropriate. Such engagement accords with HLC’s Criteria for Accreditation (ver. CRRT.B.10.010) 5(A)(1) [8], which provide the following standard of quality: “Shared governance at the institution engages its internal constituencies—

including its governing board, administration, faculty, staff and students—through planning, policies and procedures.”

4. Shared governance is an important priority at TU.

As Article VI of our Faculty Senate Constitution [7] states: “Shared governance at The University of Tulsa is an important priority and it is expected that this will be reflected in formal structure, policy, institutional culture, and practice.”

5. Academic Freedom is a foundational part of shared governance.

As the Blue Book [5] asserts: “The University of Tulsa recognizes that the dissemination of knowledge, the pursuit of truth, and the nurturing of a spirit of inquiry depend on a commitment to academic freedom... The exercise of academic freedom and responsibility by faculty members extends beyond individual rights and duties to participation in the determination of University policy. Moreover, the faculties of the academic units and colleges are free at any time to debate and make recommendations concerning any policy, program, or practice of the University” (p. 11).

6. Shared governance at TU proceeds independently of the views of University stakeholders not directly involved.

The Blue Book [5] states: “The University of Tulsa is a community devoted to the dissemination of knowledge, the pursuit of truth, and the nurturing of a spirit of inquiry. As a self-governing institution, it professes freedom from both internal and external interference that would hinder the accomplishment of these purposes; transcends, as often as it challenges and accepts, the customs and values of society; and maintains standards of excellence and responsibility that do not always conform to those of the persons and groups who support it” (p.11). To maintain these standards of excellence and responsibility, the Statement on Government of Colleges and Universities [3] notes that decisions on matters such as appointments, promotion, and tenure should be carried out by “scholars in a particular field or activity” who “have the chief competence for judging the work of their colleagues.”

7. The Faculty Senate has a cardinal role in shared governance.

The Faculty Senate is the primary body that represents the faculty in shared governance. As such, the Faculty Senate considers the interests of the faculty and makes recommendations concerning a wide range of issues including teaching, scholarly activities, policies related to faculty compensation and benefits, University planning including financial matters and athletics, and the hiring of key administrative personnel. (For a descriptive list of Faculty Senate governance responsibilities see Article II “Jurisdiction and Powers” of the Constitution of the Faculty Senate [7].) The University of Tulsa Bylaws [4] formally designate the Faculty Senate as the body that “provides governance of academic policy as described in the Constitution and Bylaws of the Faculty Senate” (see Article V. 2.).

Article V(3) of the TU Bylaws [4] gives the President and Provost the power to create “Academic Committees” only to the extent that those committees’ jurisdiction and responsibility are “in keeping with the policies of the Board and these Bylaws,” and “within the authority of the individual making the appointment to make or to delegate.” Hence, while the Bylaws provide that “[t]he President, the Provost/Vice President of Academic Affairs, and any other appropriate

officer who has been given the authority to do so, may appoint various academic councils and committees,” these bodies cannot be used to circumvent the authority of the Faculty Senate’s authority to “provide[] governance of academic policy.”

8. The Faculty Senate serves as a vehicle through which the faculty express opinions and makes recommendations regarding university policy that could significantly impact academic affairs.

The Constitution of the Faculty Senate [7] specifies: “Except in emergencies, major decisions and plans of the administration that significantly affect the academic affairs of the University should be discussed with the Faculty Senate for an expression of views prior to implementation or submission to the Board of Trustees. The views expressed by the Faculty Senate should be transmitted, along with the Administration’s proposals, to the Board of Trustees when these plans and decisions are considered by the Board of Trustees. Additionally, the Board of Trustees may regularly solicit input from the Faculty Senate as it addresses important issues” (see Article VI C).

“The Faculty Senate” is a defined term in the Faculty Senate Constitution [7], which states that “[t]he Faculty Senate shall consist of at least 32 Faculty Senators who are full-time resident faculty members... the Provost and President of the University, the Collegiate Deans and the Dean of the Graduate School.” Accordingly, major academic decisions and plans must be discussed with the full Senate prior to implementation or submission to the Board of Trustees. Moreover, by stating that the administration “should” engage in these discussions, the Article indicates the administration “should not” do otherwise.

9. Shared governance requires deliberative decision-making.

With rare exceptions, important proposals regarding university governance should be made only after a period of extensive planning and careful consideration. When these proposals are made in a deliberate and forward-looking manner, there should be ample time for the Faculty Senate to consider them and make suggestions – or, with respect to academic policies, to provide governance. While emergencies can arise that require fast action (such as the decision to close campus immediately during a pandemic), all other decisions should be made only after appropriate consultation that is consistent with the requirements of shared governance. In summary, the need to make quick decisions should not be used as a justification to abrogate the requirements of shared governance.

10. In general, non-disclosure agreements are inimical to the principles of shared governance.

AAUP’s 2013 statement on [Confidentiality and Faculty Representation in Shared Governance](#) [9] states that “imposing a precondition of confidentiality on faculty representatives serving on institutional governance bodies is incompatible with AAUP-supported standards and that those who would seek to impose various degrees of confidentiality in decision-making processes should be required to justify their position.”

11. Shared governance offers stability to the University.

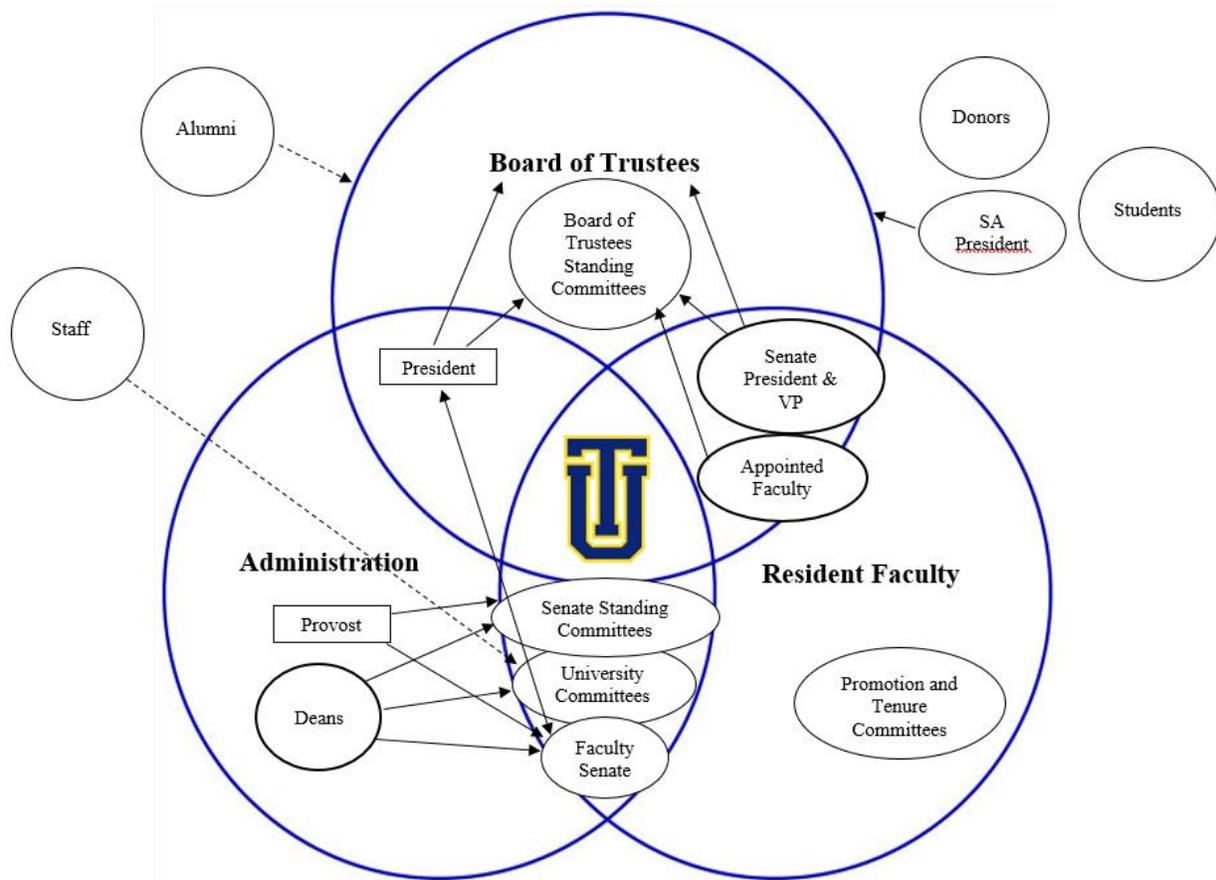
Tenure and long-term contracts at a non-profit university such as TU provide stability to the organization and protect the academic freedom that shared governance requires. During

economic downturns or shifts in enrollments, it is possible to attract and retain highly qualified faculty who are subject matter experts (SME) due to their commitment to knowledge, education, public benefit, and greater mission of the University.

III: Progress and Problems

Here is a diagram of the current shared governance structure at TU as this Task Force sees it:

Shared Governance Organizational Chart



- Board Standing Committees**
- Academic Continuous Improvement
 - Audit
 - Investment
 - Resources and Efficiencies
 - Student Success

- University Committees**
- Benefits
 - Equal Access and Opportunity
 - Faculty Appeals Board
 - Faculty Athletic Board + FAR+ COIA Rep
 - Faculty Grievances
 - Parking/Traffic
 - Research Council
- * Regularly constituted with elected members from the colleges

- Faculty Senate Standing Committees**
- Academic Affairs
 - Academic Computing
 - Faculty Affairs
 - Financial Review
 - Library
 - Steering
 - Student Affairs
- * Regularly constituted with elected members from the colleges

	CAS	Business	ENS	LAW	Oxley
Promotion and Tenure	✓	✓	✓	✓	✓
Executive or leadership that advises Dean	✓ Elected N = 5		✓ Chairs meeting with Dean		✓ Leadership Council
Curriculum	✓	✓	✓	✓	✓

This diagram shows larger areas of Board-faculty interactions and collaboration, and somewhat more administration-faculty interactions, than a diagram of shared governance in 2017 would have shown. Consultation among the faculty at large, the Senate, Senate president and vice president, administration, and the Board has increased since the 2018 HLC report. With this growth in consultation, unsurprisingly, have come disagreements about process and about policy. The Faculty Senate, encouraged by the then-president and then-provost, voted this Task Force into being in 2019 in response to clashes over whether consultation over important curricular changes in the recent past had met the university's requirements for shared governance.

The Task Force notes the following improvements as progress forward:

1. Article VI was added to the Faculty Senate Constitution in May 2018 after a vote by TU’s full-time faculty, approval by the administration, and a Board vote of approval. In the years since Article VI’s implementation, regular meetings have occurred between the Faculty Senate president and vice president and the University president and provost. Additionally, the Chair of the Board has met with the Senate president and vice president on a quarterly basis.
2. In September 2018, the Board amended the University Bylaws to include the Faculty Senate president and vice president as non-voting members of the Board (Sec. 2 (b) (iii)). In addition, in academic year 2019-2020 faculty representatives (nominated by Faculty Senate leadership) were appointed as non-voting members of several Board committees.
3. Consultation with Faculty Senate Steering Committee, open faculty forums and faculty attendance and participation at Faculty Senate meetings have increased.

Despite these areas of improvement, this Task Force has also identified several areas of concern:

1. A survey performed by this Task Force in summer 2020 found that the vast majority of faculty reported feeling that their voice did not matter in decision-making at TU. Notably, most respondents felt their voices were not heard by their Deans. While faculty expressed that senators and department chairs were effective vehicles for shared governance, there is considerable room for improvement. Word of mouth was a major form of communication at TU. This survey revealed a need for senators to improve communication with faculty at large and to improve representing constituents at Senate

meetings. It also revealed a need for improving communication through formal channels at TU.

2. The University Council is an advisory board and not a vehicle for shared governance. This council is designed to have members representing the Board, administration, faculty, staff, students, and alumni, and to serve as a clearinghouse of advisory input from stakeholder- and issue-specific working groups. This Task Force has concern about the subordination of the Faculty Senate to administrative advisory bodies on some university organizational charts and in the practices followed by the current administration. For example, the administration has recently reconstituted the University Council as a multi-stakeholder advisory board to the university president. The current administration has sometimes described this body as a vehicle of shared governance and utilized it in a way that diminishes the role of the Faculty Senate in providing governance of academic policy.

The president and provost may form committees, with accompanying charges, to make recommendations regarding academic matters, but these committees cannot supplant the functions of Faculty Senate.

3. The Task Force members found that there were inconsistencies across colleges regarding appointments and reviews of department, division, and program heads. In reviewing best practices, TU is not engaging in feedback and comprehensive participatory reviews of administrators in a consistent manner that would provide opportunities to identify problems that could facilitate continuous improvement of individuals in leadership positions.

IV: Recommendations of the Task Force on Shared Governance at TU

To repair or enhance shared governance at The University of Tulsa, the faculty, administration, and board should agree that:

1. Tenured resident faculty should be sustained as the center of academic units.
2. Where appropriate and when consistent with discipline practice, contract faculty should be granted long-term contracts.
3. The freedom of speech/expression of resident faculty, both contingent and tenured, is vital to shared governance and should not be hindered.
4. To maintain standards of scholarly excellence in such matters as appointments, promotion, and tenure, departments and other academic units should be connected to academic disciplines or other coherent communities of inquiry. Any decisions to alter or combine these academic units should be made in a non-arbitrary manner and collaboratively with the faculty in these units.

5. The administration must allow the Faculty Senate to “provide[] governance of academic policy” at TU, as required by the University’s Bylaws and by its accreditors.
6. The data, metrics, and the analytic processes used in shared governance decision-making should be made available to faculty with sufficient time for faculty to provide informed input to the Administration and the Board.
7. Outside assessments and other reports about the University, which can guide and inform Senate leadership and committees should be made available to faculty in a timely fashion.
8. Faculty Senate is authorized to make recommendations on matters such as curriculum, subject matter and methods of instruction, research, faculty status, and those aspects of student life which relate to the educational process by the University Bylaws and Faculty Senate Constitution. The power of review or final decision lodged in the governing board, or delegated by it to the president, should be exercised adversely *only in exceptional circumstances*, and *for reasons communicated to the faculty*.
9. Faculty senators should devise ways to communicate regularly with all their constituents without bias, listen to their views regarding matters of academic governance, and represent them to the Faculty Senate.
10. In order to ensure that faculty taking part in committees charged with program and curricular policy decisions are representative of the faculty, whenever possible, they should be elected by faculty or appointed by Faculty Senate or Senate leadership.
11. Faculty, administrators, and trustees should be familiar with and adhere to the Blue Book and other governing documents. Matters involving University governance need to be referred to University and Faculty Senate Committees consistent with the committee charges as described in these documents.
12. Regarding matters of academic policy at the university level, no committee, task force, working group, or other body be formed unless a proposal is submitted to the Faculty Senate with sufficient time for it to study the proposal and offer its feedback.
13. When the president or provost establishes a new committee or task force, they should do so in accordance with TU’s existing governance documents, including Article VI of the Faculty Senate Constitution. The administration should not attempt to circumvent the existing mechanisms of faculty governance with the unilateral formation of new commissions, working groups, committees, task forces, or similar groups that duplicate the existing ones. Nor should the administration initiate programs or practices that encroach on the authority delegated to the faculty in the TU Bylaws, the Blue Book, and the Senate Constitution and Bylaws.
14. No committee should work under more stringent confidentiality requirements than those mandated by the Blue Book or the Employee Handbook. The use of non-disclosure

agreements is inconsistent with the values of an institution of higher learning committed to free inquiry and pursuit of knowledge.

15. The process by which faculty participate in the appointment of academic unit chairs or heads shall be reviewed and if necessary, revised, to conform to best practices for institutions of higher learning; and appointment of chairs, department heads, deans, and provost should include input from the faculty.
16. TU should create a best practices document for review of academic administrators, academic unit heads or program chairs, deans, provost, and president and consider set terms. The Faculty Senate should be involved in developing this process.
17. The Board of Trustees should broaden its voting membership. The Board should include academics from other institutions or emeriti. Further, the Board should be more diverse. The Board could remove barriers to its own diversification by eliminating or relaxing criteria for membership that require central philanthropic focus on TU. AGB's most recent research shows about 9.5% of board members in independent institutions and 8.8% of those in public institutions have a professional background in higher education (see [Policies, Practices, and Composition of Governing and Foundation Boards 2016](#), AGB Press, 2016) [10].
18. The Board should review its conflicts of interest policy and be open about how it avoids self-dealing.
19. The Board should encourage trustees to participate in shared governance activities. Shared governance requires a candid exchange of viewpoints and experiences.

References:

1. White Paper titled “Shared Governance: Changing with the Times”, Association of Governing Board, 2017.
2. Final Report, OPEN PATHWAY: Reaffirmation Review, The University of Tulsa, OK, Higher Learning Commission (HLC), 4/16/2018.
3. Statement on Government of Colleges and Universities. (1977). *AAUP Bulletin*, 63(1), 32-36.
4. The University of Tulsa Bylaws, Amended and Restated 2018-09-25
5. The Statement on Academic Freedom, Responsibility, and Tenure of The University of Tulsa, dated December 2004 (also called "Blue Book"),
6. Bylaws of the Faculty Senate, October 18, 2018
7. Constitution of the Faculty Senate, May 09, 2018
8. Criteria for Accreditation of Higher Learning Commission (HLC): Revisions Adopted February 2019, Effective September 2020 (ver. CRRT.B.10.010) 5(A)(1)
9. “Confidentiality and Faculty Representation in Shared Governance” American Association of University Professors (AAUP), June 2013.
10. Policies, Practices, and Composition of Governing and Foundation Boards 2016, AGB Press, 2016.