



UTFA Bargaining Report

University of Toronto Faculty Association November 15, 2011

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ACADEMIC FREEDOM, ACADEMIC EXCELLENCE AND COLLEGIAL SELF-GOVERNANCE

Ensuring Collegial Governance in Academic Planning

It is widely expected and understood at the University of Toronto that academic planning processes should be responsive and accountable to the views of academic staff (along with students and administrative staff). This includes adequate provision for self-study by the units in question, and for information sharing. But these norms and principles are largely informal. Recent events suggest there is a need for explicit elaboration as to what exactly collegial self-governance means, how it is linked to academic freedom, and how in turn governance in academic planning is related to and conditions academic excellence. The stakes are high.

In this context, UTFA has tabled an entirely new proposed policy for the University of Toronto in negotiations with the Administration. The proposed new policy attempts to specify procedural aspects of academic planning, elaborating on important and well-worn but at present often poorly defined language such as “collegiality” and “shared governance” for faculty and librarians in academic planning initiatives.

UTFA’s proposal was developed based on wide consultation. It has also been posted on the association website since June (see June 22, 2011 posting at <http://www.utfa.org/content/bargaining-current-updates> or at www.utfa.org). We encourage all to read this short document for themselves. But the proposal was primarily motivated by recent and serious procedural shortcomings in academic planning processes experienced by colleagues on all three campuses. For many involved, these incidents have called into question the issue of whether there is adequate provision for faculty and librarians to participate in shaping academic priorities and the configuration of their own academic units at the University of Toronto. This is a serious question. Collegial self-governance for faculty and librarians underpins and is a pre-requisite for academic freedom; in turn, it underpins the well-deserved reputation for excellence of the University of Toronto. These concerns are the premises of UTFA’s proposal.

Recent Breakdowns in Academic Planning Processes

Too often of late, adequate provision for collegial self-governance in academic planning is being ignored or actively eroded. To give one prominent example, the Faculty of Arts and Sciences debacle in the summer of 2010 put numerous departments and units in the unwelcome position of being confronted by the Dean’s Office with proposals for fundamental changes – including outright “disestablishment” – without adequate prior consultation and provision for meaningful input from faculty (nor from students and staff) on the proposed changes in those units. Widespread demands for more transparency, including demand for the circulation of detailed financial information relevant to the proposals, and calls for more substantial intellectual justification where little had been provided, underscored the degree to which students, staff, and faculty felt they were being disregarded.

After considerable protest, including a faculty association grievance, the controversial proposals were withdrawn. The Dean of Arts and Sciences worked hard along with others in the Dean’s office to respond

to concerns raised by the crisis. After considerable post hoc consultation, a revised plan was released two weeks ago that excludes most of the controversial proposals in the previous plan. The worst of the FAS crisis seems to be behind us.

But the FAS crisis, though high profile, is far from the isolated and unique event the Administration has repeatedly suggested it is. Instead, we have seen parallel and disquieting developments in other units. These include: the search for a new Head Librarian for UTSC; the external review process for the Humanities at UTSC; and top-down proposals to reconfigure academic units at both the UTM and UTSC campuses.

Also troubling was the unilateral announcement by the Provost to close the Faculty of Forestry. In November of 2009, the Provost, acting without prior notice to the reviewers or to anyone in the Faculty of Forestry, unilaterally changed the terms of reference for an external review of the faculty, directing the reviewers to advise her on the disestablishment and relocation of the faculty. Subsequent to reception of the resulting report (which itself noted the oddities of this process and the inadequate information provided to the reviewers on the issues of the disestablishment and relocation), the Provost announced to the faculty members in forestry (again without prior notice even to the Dean of Forestry) that the faculty would be closed and the faculty members of the unit relocated. Only after the faculty members protested, including by seeking UTFA's involvement, did the Provost establish any process of consultation involving input from members of Forestry. While UTFA's intervention and the insistence of faculty members in Forestry on having some role in shaping their own future has led to a more constructive dialogue, the process is still unfolding and it is not at all clear what the outcome will be.

Some say that successful resistance to top-down planning demonstrates, in the end, that the processes involved were collegial and accountable to faculty, students, and staff in affected units. But few in directly affected units are saying this! Instead, most lament the wasted time and effort fighting to push back proposals arising from fundamentally flawed processes. While engagement by faculty and librarians in academic planning exercises is desirable, surely this engagement is better proactive than reactive.

Moreover, the important issue for UTFA is not whether the academic units in question are viable or whether the proposals for change had merit. Those are indeed important questions, but they are not questions for UTFA to be involved in debating. Rather, the questions raised are (i) could these kinds of processes happen to any academic unit? and (ii) is there adequate provision for collegial self-governance that can prevent or thwart these kinds of top-down planning processes? The answers are yes, and no.

Self-Governance, Academic Freedom, and Academic Excellence

Provision for adequate self-governance for academic staff is an idea closely associated with that of the university itself. The two are linked via the notion of academic freedom. In an influential 1940 statement on academic freedom and tenure, the American Association of University Professors (AAUP) together with the Association of American Colleges stated: "*Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the free search for truth and its free exposition.*"¹ While these sentiments are widely held and perhaps too often assumed, they come with institutional implications, including the manner in which universities are governed. Indeed, in a subsequent statement on the relationship between governance and academic freedom, the AAUP argued that "...a sound system of institutional governance is

¹ American Association of University Professors and of the Association of American Colleges (1940). "1940 Statement of Principles on Academic Freedom and Tenure." Available at <http://www.aaup.org/AAUP/pubsres/policydocs/contents/1940statement.htm>.

a necessary condition for the protection of faculty rights and thereby for the most productive exercise of essential faculty freedoms.”²

According to the AAUP, faculty self-governance is linked to academic freedom in three main ways. The first is expertise: the expertise of faculty in their areas of teaching and research makes them most qualified to shape academic units dealing with their subject areas. Second, and in related fashion, as teaching and research (and, we should add, professional activities) are fundamental to the mission of the university, it should follow that academic staff essential to completing these activities be involved in shaping the conditions under which they are undertaken. In other words, the centrality of academic staff in performing missions critical to the university demands that faculty and librarians occupy a central place in the university’s governance. This is one reason why academic staff members should be seen not only as employees of the university, but also as partners in it. And third, effective faculty capacity in determining the configuration of academic programs for teaching and research is essential to the preservation of academic freedom, irrespective of the first two considerations. That is, faculty should enjoy academic freedom not only in determining the *content* of their teaching, research, and professional activities, but also in shaping the *context* in which these activities take place. Putting these three together, collegial self-governance for academic staff in shaping academic programs is a pre-requisite both for the exercise of academic freedom and for ensuring the highest quality programs for the university.

Does the University of Toronto Adequately Provide for Collegial Self-Direction in Shaping Academic Programs and Priorities?

In light of the foregoing arguments, the recent “misadventures” in academic planning processes at the U of T raise the question whether there is adequate provision for self-direction in the establishment, disestablishment and evolution of academic programs on the part of faculty and librarians involved with those programs. Clearly, a widespread concern about insufficient provision for collegial self-governance informed resistance to the FAS plan, unease over the Provost’s actions in Forestry, and other instances. But are these merely isolated cases or is there a systemic problem at the University of Toronto? Two considerations point to the latter, i.e., to problems that go beyond personalities and administrative mistakes.

The first is that the University of Toronto is a unicameral institution. This means that, unlike most universities in Canada, we do not have parallel governance bodies dealing with academic matters on the one hand and administrative and financial affairs on the other. In general terms, bicameralism in a university setting is a model of shared governance in which faculty and librarians, generally via an elected academic senate, preside over academic priorities, planning and the like with only minimal oversight from a Board of Governors. This model was widely embraced in Canadian universities following the influential Duff-Berdahl report of 1966.³ This report, commissioned jointly by the Canadian Association of University Teachers (CAUT) and the Association of Universities and Colleges of Canada (AUCC), reviewed the status of and made recommendations concerning university governance. Among the central statements of the report was the following: “*For the Academic Senate to become the central educational forum that it should be, substantial powers will have to be delegated to it both from above and from below. On the one hand, the President should use the Senate and its committees as a principal source of advice on academic policies. On the other, departments and Faculties must transmit to the Senate for review many of their decisions on internal affairs.*”⁴

² American Association of University Professors (1994). “On the Relationship of Faculty Governance to Academic Freedom.” *Academe* 80(4): 47.

³ Sir James Duff and R. O. Berdahl (1966). *University Government in Canada*. University of Toronto Press, 1966.

⁴ *Ibid.*, page 32.

This report is not the place for an exhaustive review and critique of the Duff-Berdahl recommendations, nor of unicameralism versus bicameralism. Much has transpired in university governance since the late 1960s. One trend not anticipated by the report was the growth of faculty associations in Canada as important, independent collective voices for faculty and librarians. The report did not envision the role that associations can and should play in university governance – not in defining academic priorities per se, but in the elaboration of procedures which allow for the direct and meaningful involvement of academic staff in such determination.

But the central point here is that the University of Toronto has not followed the Duff-Berdahl model; ours is not a bicameral university. Though many are now talking about the need for a senate-like body to preside over academic matters at U of T, at present and as enshrined in the University of Toronto Act, university governance is controlled via a single body, the Governing Council, with its two arms, the Academic Board and the Business Board. For better or for worse, the so-called five estates of the University of Toronto community (i.e., students, administrative staff, alumni, Lieutenant Governor-in-Council appointees, and academic staff) are united in a unicameral system of governance. Whatever its merits, there are longstanding concerns that unicameralism does not provide for sufficient collegial self-governance for faculty and librarians to ensure both academic freedom and academic excellence.

There is a second threat to collegial self-governance in academic planning that goes beyond personalities and administrative missteps. The University of Toronto is facing unprecedented financial strains. Financial support from the Government of Ontario, never differentiated to recognize the unique research intensity of this institution, has been declining on a per student basis and in real terms for more than 15 years. In response, while the university has increased both enrollment and tuition fees, there have also been concerted efforts to build a private endowment. More and more the University of Toronto Administration, often working closely with individual academic programs and institutes, is seeking contributions from private donors. While these contributions can and do play an important role in sustaining and advancing the mission of the university, there are important and thorny questions to be answered concerning the relative influence of academics vs. philanthropists in setting priorities in teaching and research. It is evident that we need some kind of explicit provision to ensure that bona fide academic rationales (i.e., not merely fiscal imperatives) underpin the establishment, evolution, and disestablishment of academic units and that these rationales need to be defined exclusively by the academic community (including input from students). Yet at present there is no such provision.

These are the foundations of UTFA's proposal on procedural aspects of academic planning initiatives. We have proposed explicit language that attempts to make clear how faculty and librarians should be involved in academic planning that affects them by requiring direct and meaningful involvement, by seeking to enhance the transparency of deliberations and decision-making, and by making the processes more inclusive and accountable.

It is important to underscore that our proposal does not seek to insert the faculty association into the substance of academic planning. We are only proposing procedures that would ensure adequate participation, accountability, and transparency for faculty and librarians. And no one is denying that change, including sometimes dramatic change, is necessary for this dynamic university to grow and thrive, faced as it is with ever evolving challenges from a rapidly evolving world.

The simple premise of UTFA's proposal is that there is a need for a policy that lays out what collegiality and self-governance really mean in the context of academic planning, and that such a policy is integral to securing both academic freedom and academic excellence. There is wide recognition that something is required to help ensure that the recent breakdowns in collegial processes of academic planning are not repeated. Indeed, this premise is to some extent acknowledged by the Administration's recent

communications regarding our proposal and in the establishment of the Provostial Advisory Group on Academic Planning.

Yet, UTFA's proposal contrasts with the Provostial Advisory Group and its report in three main ways. One, our proposal is concerned exclusively with the rights and responsibilities of faculty and librarians in academic planning. Two, our proposal is explicitly premised on the need to ensure academic freedom through collegial self-governance in academic planning. Third, our proposal would involve a negotiated enforceable policy on procedural aspects of academic planning. It is our firm belief on this latter point that collegiality is not something to be imposed by administrative fiat. To suggest the opposite is to suggest an oxymoron.

Our proposal was tabled in June of 2011. There has been no substantive response to it in bargaining. The Provost's most recent communication on the subject, accompanied by a piece written by Vice-Provosts Edith Hillan and Cheryl Regehr, conveys the message that there is no place for the faculty association in a negotiation over the procedural aspects of academic planning initiatives.

Does that vision of your faculty association accord with your view of the role of the association? Does that vision of university governance accord with yours? These are the questions before us. Once again, the administration is proposing the status quo via an unwillingness to work with the association on change. UTFA is proposing change to address the priorities of its members. The choice, as always, is for us to make, collectively and democratically.

In closing, and on a lighter note, a well-known verse from Bob Dylan seems apt:

“Twenty years of schooling
And they put you on the day shift
Look out kid
They keep it all hid”

– Bob Dylan, Subterranean Homesick Blues

Should you have questions, suggestions, or comments feel free to write at any time to bargaining@utfa.org.

Your negotiating team in this round is:

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