

An Ex-President's Perspective
On University Governance.

Delivered by Dr. Charles J. Jago, C.M.
Interim President, UNBC
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The following is a speech I delivered in January 2007, seven months following my retirement from my position as President of UNBC. The audience was the Board and Senate secretaries, most of them escaping the harsh Western Canadian winter to have a few days of meetings in Victoria, B.C. I have always admired the hard work and professionalism of Board/Senate secretariats, particularly those I worked with at McMaster University in Hamilton, Ontario and at The University of Western Ontario in London. The occasion of the Western Canadian Board/Senate Secretaries conference, therefore, gave me the opportunity to reflect back on a thirty-six year career, many of the spent directly involved in the work of university boards and senates. As a result, the speech tends toward the autobiographical, and I have not changed that slant for this presentation. In fact, I have altered the speech very little and can therefore assure you that it retains the kind of distanced objectivity I strove to achieve on the occasion when it was first presented. Hence any perceived reference to current governance issues at UNBC are purely coincidental.

Let me begin by telling you where I am coming from.

- In 1973, as a young academic, I was invited to become a member of the McMaster Board/Senate Committee on Long-Range Planning (CLRP as we endearingly called it). In that capacity I assisted in the writing of the Plan for McMaster University (1977) and, following a sabbatical leave, became Chair of the Committee from 1979-82. As the Chair of CLRP I served *ex officio* on both the University Senate and Board, thereby acquiring experience and insight into university governance that few academics either have, or for that matter, ever aspire to seek.
- The Board at McMaster, as I recall it, was quite large – some twenty people – among whom were some outstanding business leaders, accountants, lawyers, and community leaders, all serving voluntarily with intelligence and conviction. Ontario university boards have very few government-appointed members – a feature that greatly distinguishes from Western Canadian university boards where the majority of board members are appointed by the provincial government. By contrast, Ontario university boards are essentially self-perpetuating boards consisting of university boosters and supporters and somewhat resembling U.S. private university boards where governors or trustees, as they are variously called, are expected to give, to get, or to get off.
- The McMaster Senate was larger yet, filling a large room. It was chaired by the President and debated issues at length. It had the cast of characters

that you are all very familiar with: a curmudgeon of a senior faculty member, very distinguished nationally and internationally in his field of study, who served as the scourge of presidents; another senior faculty member, extraordinarily articulate and loquacious, who argued his points so brilliantly, and for so long, that he inevitably alienated everyone in the room and lost the vote; and the always present expert on Robert's Rules of Order who persisted in raising point after point of order thereby rendering Senate from time to time inoperable. Thank God for Joan Morris, the University Secretary, who steered Senate through all these dangerous rapids eventually bringing us safely to shore, bruised and exhausted, but with the business of the university done.

- I left McMaster in 1985 to become Principal of Huron College (now called Huron University College), the founding college of The University of Western Ontario and affiliated with it. Huron had a self-perpetuating board even closer to the U.S. private school model than was the McMaster Board. I was hired by the Board and, as a new president, soon discovered that the Huron Board and individual Board members would play a critical role in my personal and presidential development. That experience has convinced me to this day that strong presidents need strong boards, a point I will touch on later. Huron also had an academic council, much like a Senate, but the real *locus* of academic power resided with The UWO Senate, on which I served. Three things about that Senate stand out for me. The first was the chairmanship of Dr. George Pedersen who had the ability, on occasion, to start and end a Senate meeting within minutes while giving everyone the impression that they had been properly consulted. He became my role model in later life and, as a result, I have worked hard to make every Senate meeting as discursive as it should be and as short as it could be. Secondly was the professionalism of Jan Van Fleet, the University Secretary, and her staff. If I have a standard relating to the role, expertise, and contribution of a university secretariat, it was Jan who set that standard. Thirdly, The UWO Senate had groups who caucused before Senate meetings and worked assiduously to gain their ends through Senate – most notably the undergraduate student representatives and the Faculty Association stalwarts. They often voted in block and tended to be closed-minded, unwilling to change their opinion as a consequence of Senate debate – a behaviour I still consider to be antithetical to good collegial governance. Senate was the location for sometimes pitched battles for the control of the university agenda, and not just the academic agenda.

In 1997 I came to UNBC as President where I served for eleven years as a member of a fifteen member Board, eight of whom were appointed by government, and as Chair of Senate – or I should say two fundamentally different types of Senate. The first was the Senate legislated by the University of Northern British Columbia Act – a rather small Senate of about 20 members carefully structured to ensure that the academic members – meaning

the faculty – were in the minority. When UNBC came under the University Act of BC, Senate expanded to some 50 members and the structure ensured the dominance of faculty. I will reflect on these differences later on.

- I have also served on a variety of other Boards – the board of the Association of Universities and Colleges of Canada (AUCC) and of the Association of Commonwealth Universities (ACU); several cultural boards – a theatre and an art gallery; and the board of a crown corporation (PBC). I currently chair the board of a company structured as an income trust, the board of British Columbia’s Northern Health Authority, and the board of a major NGO – the Fraser Basin Council – which has a 36 member board with representation from the federal and provincial government, from municipal and regional governments, from the First Nations, from business and from environmental groups. Service on these non-university boards has helped me to put into a broader context my understanding of university governance.

Over the last twenty-eight years, therefore, with a five year interruption from 1982-87, I have been involved in one way or another in university governance. My reason for mentioning that span of time is that, in a certain way, it constitutes an era in the history of university governance in Canada. There are two publications that together establish in my mind the chronological boundaries of this era. The first, published in 1966, is *University Government in Canada: Report of a Commission sponsored by the Canadian Association of University Teachers and the Association of Universities and Colleges of Canada*. This publication is usually referred to as the Duff/Berdahl report after its two authors: Sir James Duff (from Britain) and Robert Berdahl, an American. The second book, published in 2003 and entitled, *growth & governance of Canadian universities: An insider’s view* is by Howard C. Clark, formerly of UBC, the University of Guelph, and at the close of his career President of Dalhousie University.

Duff and Berdahl were strong critics of Canadian university governance. They found the typical university board to be too homogeneous – a kind of self-perpetuating exclusive club for male businessmen and lawyers - , too secretive, too unrepresentative either of the community at large or the university community itself, too much under the control of a strong Presidents and his senior officials, and too isolated from the university community it ostensibly governed. In the case of Senates, they noted that “too few of the universities that we visited in Canada have really effective Senates”, basing this conclusion on the fact that “Senate business is largely formal, and that most of the real business is done at the level of individual Faculties.”

At the heart of Duff/Berdahl’s criticism of Canadian university governance, however, was the bi-cameral system: the strict separation of the business of senate and the business of the board. They argued that the fiscal and the academic could not be neatly separated and that ways had to be found to bring them together. One of the means they recommended for achieving this goal was the creation of joint “Board/Senate Committees” “to deal with the many problems where academic policy and fiscal reality are up against each other.” Among their other recommendations were that faculty

representatives be elected to boards (strongly opposed by presidents who feared a divided academic voice at the board level) and that senates be involved in planning (also strongly opposed by presidents because of the potential disempowering of Faculties), that board members serve for limited terms, not in perpetuity, and heresy of heresies, that senates have a role in university budget-setting and in the approval of capital plans.

Many of the recommendations made by Duff and Berdahl were enacted by Canadian universities during the decades that followed. The McMaster Board/Senate Committee on Long-Range Planning was one direct by-product. The governance reform at the University of Toronto in the early 1980s which brought unicameral governance to that great university was another. Indeed the reforms brought into university governance over the next decade went beyond their suggestions and eventually led to students and staff members having representation on boards and senates alike. What has not really changed to the extent that they advised was the bicameral governance structure of most Canadian universities and the retention, with some exceptions that I will note, of the strict separation in the roles of boards and senates.

All of which brings me to Howard Clark. For Clark, the recommendations made by Duff and Berdahl for a more participatory, open, and democratic form of university governance has had unintended, but nevertheless, deleterious consequences as a result of a major intervening development. The intervening development that proved to be transformative was faculty unionization. Clark writes:

However the present situation is examined, it is clear that the faculty unionization of the 1970s and 1980s, building on the participatory governance changes of the 1960s, has given the faculty collective power and authority over the Canadian university, and has provided it with a degree of security that encourages the status quo and avoidance of change, diminishes accountability, and does little to recognize and reward quality and merit.

Indicative of this change, he argues, is that senates spend more time debating budgets than they do seriously debating academic issues. He also condemns university boards for being asleep at the switch when faculty unionization occurred. It seems remarkable, he states, “that such a dramatic change in labour relations should have occurred so quickly against the apparently firmly established authority of university boards,” thereby echoing the general criticism of corporate boards that they often fail to deal effectively with some of the most important issues, sometimes even failing to understand their importance and long-term implications. Collectively, he maintains:

Faculty members at Canadian universities now have control of strategic planning, the setting of priorities (or, more accurately, the non-setting of priorities), the management of enrollments, hiring and all appointments, all academic programs, and all academic administrative appointments, and if they do not control budgeting they certainly have great influence over it.

Clark also criticizes the creation of numerous appeals processes within universities, whether relating to faculty, staff or students, which he maintains has led to a galloping legalism that is ultimately paralyzing.

So to come back to my notion of an era of governance in Canadian universities, and echoing the thinking of Dr. Clark, the era began with the reforms proposed by the Duff/Berdahl report, proved transformative due to the intervention of faculty unionization, and have led to a new paradigm whereby universities have in effect become institutions governed by a faculty collective. In Clark's view, this era can only be brought to a close and the new paradigm exploded by firm and decisive government intervention, needed because universities have lost the means or the courage to reform themselves.

Let me say at the outset that I find Clark to be jaded – perhaps what happens to retired university presidents when they reflect back – and his assessment of the dismal and decadent state of the contemporary Canadian university exaggerated. My own appraisal would be quite different, but perhaps that is because I have never served, either as a faculty member or as a senior administrator, at a university where the faculty has been unionized. Despite this, I cannot totally deny that Clark's views, although perhaps overstated, have at least a ring of truth.

If there is an element of truth in what Clark has to say, how should university governance be conducted? Because this talk reflects my personal views based on my personal experience and resulting perspective, I will talk mainly about how I approached the issue of governance and why.

First, I am a firm believer in the bi-cameral system and in the strict separation of responsibilities between boards and senates. Boards deal with the business-side of the university: personnel matters, appointments, budgets, capital projects, financings, property issues and the like. These are complex issues where board members, especially those with business acumen and strong standing in the local, provincial, or national community can really assist university presidents who, as CEOs, carry the ultimate responsibility for conducting the affairs of the university with fiscal, social, and ethical probity. Senates, on the other hand, deal with academic affairs and although they might advise the Board on other matters, their sphere of jurisdiction is the academic and that is what they should do.

Secondly, I believe that both boards and senates should own up to and live up to their responsibilities. If presidents treat boards as rubber stamps and as ciphers, they will act accordingly as rubber stamps and ciphers and both the president and the institution will be the weaker for it. One consequence will be the inability to recruit strong, competent, and decisive persons to the board. In this vein, periodic board retreats, training sessions, and self-evaluations are important tools to ensure that boards do not take their eyes off the ball and are constantly reminded not only of the scope, but of the absolute importance of their decision-making authority. For example a key function of a board is to work with the president to establish clear long-term goals and shorter-term priorities consistent

with those goals and to monitor progress around key performance indicators. Another key function of boards is to monitor and assess executive performance. As for senates, if they just process work that has been done at the department and Faculty level, they abdicate their responsibility to oversee and direct the academic affairs of the university. Senators should insist on high academic standards, on rigorous reviews of academic programs, and should be prepared to withdraw weak academic programs and underperforming research institutes and the like when required. Few do, but if they don't, who will?

Thirdly, I believe in the importance of maintaining relative formality and the highest level of professional conduct at board and senate meetings. If these become chat groups, informal in manner and deportment, the importance of their governance role will be lost and with it the respect for the privilege of self-governance that universities in Canada still exercise. Critical to the conduct of board and senate meetings is the role of the university secretary. Materials need to be presented in a clear and easily manageable way; governors and senators need to know exactly the nature of the issue being addressed and exactly the nature of the decision they are being asked to make; and these materials need to be prepared in a timely manner in advance of meetings with a minimum of materials walked in.

Fourthly, senior university administrators need to know where management ends and governance begins, and boards and senators also need to know the difference between governance and management. Boards and Senates cannot manage the affairs of the university, but they must be responsible for approving the direction of the university, for setting the standards, for ensuring a sound policy framework, and for demanding the appropriate accountabilities. For their part, presidents and senior administrators need to respect the roles of boards and senates, to ensure that they do not encroach on the decision-making responsibilities that appropriately belong to these bodies, and to ensure that they carry-out, without complaint, the legislated will of university government.

Finally, board members and senators need to understand that they are the members of a corporation which, when it makes a decision, speaks with a single, corporate voice. This is especially important for board members to understand. As a member of a corporation, they should speak to the corporate interest and park their personal or constituency agendas at the door. And when decisions are made, they should respect those decisions, even though they might be personally opposed. They must understand that the corporation, of which they are a part, has made a decision and that the decision becomes theirs.

In closing I want to come back to the importance of university governance and of conscientious, careful, decisive, and if necessary courageous university governance. My contention here is that if universities don't display the ability to govern themselves that privilege of self-governance could be stripped away.

I mentioned that UNBC had two variants of a university senate: the senate structured under the UNBC Act and the senate structured under the University Act of BC – the first

where faculty members were in a minority; the second where they were the majority. The first iteration of the UNBC Senate reflected the view in government at the time that senates were bastions of faculty power, resistant to change, and unresponsive to the public. Indeed I was told at the time that the only mistake made in the creation of UNBC was giving it a senate at all.

Subsequent universities established in BC during the 1990s did not have senates. They had academic councils, but those councils were accountable to and ultimately fell under the authority of the boards. (In the case of the recently created “special purpose teaching universities”, senates have reappeared but those senates fall to quite a significant degree under the final authority of their respective boards, hence those institutions are not as truly bi-cameral as are BC’s research-intensive universities.) Boards, some argue, are more responsive to societal changes and more accountable to government – particularly when the majority of their members are government appointed and can be removed. A corollary argument is that collegial governance is inevitably slow and process-oriented and incapable of either timely or firm decision-making.

Between 2002-04 there was a strong move to make boards more accountable to government. Periodic meetings between the Minister of Advanced Education and board chairs took place, from which the presidents were excluded at least for part of the meetings. The minister would explain the directions of government in expectation that the board chairs would ensure that these directions and priorities were then reflected in the actions of their boards. More recently the effort of the Government of British Columbia to establish performance contracts with universities through annual Government Letters of Expectations – documents which board chairs, not presidents, are required to sign, is yet another manifestation of the growing tendency of government to encroach upon the traditional autonomy accorded to universities.

All of these actions on the part of government provide evidence of a prevalent view that universities need more direction from above: that their own governance structures, left to themselves, do not serve the public interest nor reflect the public good. It is precisely the kind of intervention that Howard Clark argued would, and perhaps should, take place if university governance became so self-centred and self-serving as to lose the public trust.

University governance is complex, problematic, and constantly evolving, a point made very well in a recently published article by James Duderstadt, former President of the University of Michigan and one of the foremost thinkers today on the 21st Century North American University. Duderstadt writes the following:

American colleges and universities have long supported institutional governance involving public oversight and trusteeship by lay boards of citizens. Although these boards have legal status as well as fiduciary responsibility, their limited knowledge of academic matters leads them to delegate much of their authority to the university’s administration for executive leadership and to the faculty for academic matters. Because of their lay character, university governing boards face a serious challenge in their attempts to understand and govern the increasingly complex

nature of the university and its relationships to broader society. Boards must be attentive to the voluntary culture (some would say anarchy) of the university that responds far better to the process of consultation, communication, and collaboration than to the command-control-communication process familiar to them from business and industry. This situation is made even more difficult by the politics around governing boards, particularly in public universities, that not only distracts boards from their important work, but also discourages many experienced, talented and dedicated citizens from serving on these bodies. The increasing intrusion of state and federal government in the affairs of the university, in the name of performance and public accountability, but all too frequently driven by political opportunism, can trample upon academic values and micromanage institutions into mediocrity.

Recognizing these multiple concerns about the state of university governance, not just in Canada, but in North America generally, and taking seriously the criticisms and threats directed at the tradition of university autonomy and self-governance, I conclude this presentation with the following:

Governance is critically important.

Your role is critically important.

The role of the president in ensuring high quality governance is important.

If governance is ceded, either to internal forces or to governments, the essence of the university will be lost.

The autonomy and the privilege of self-government that Canadian and American universities hold so dear are critically important to their ability to achieve their societal role as centres of free-thinking and open debate committed to preserving, disseminating and augmenting the sources of knowledge upon which human civilization depends.

Consequently the onus is on us to deserve our autonomy and self-governance, by conducting our governance professionally, responsibly, and effectively.

To my mind, we cannot ignore our critics and must work together to achieve good governance, boards and senates alike.

We have a long way to go.