

**Response to the UCDavis Academic Senate's *Mending the Wall*
Report
Submitted by
UCDavis Academic Federation**

A Special Academic Senate Committee on Shared Governance and Senate Operations recently released their report on shared governance at UC Davis entitled *Mending the Wall*. We commend the zeal with which they undertook their task and agree that the governance structures of the University need re-examination. Because the report unjustifiably restricts participation and minimizes the long-established role of campus' non-Senate academic faculty in research, instruction, and service, the Academic Federation's Executive Council believes it is necessary to respond to the report's content and claims, so that *Mending the Wall* is not viewed as the unified opinion of all academic personnel at UC Davis.

The Executive Council of the Academic Federation was struck by the use of the Robert Frost poem "Mending Wall" in this report, specifically the implication that the poem emphasized the *necessity* of a wall. Frost's poem actually suggests that there are *perils* in building walls, unflatteringly portrays the neighbor who advocates wall-building, and clearly questions the need for the wall at all. In their use of the Standing Orders of the Regents to define and extend the territory on the Academic Senate's side of the Wall, not only did the writers of *Mending the Wall* misapply the poem, but they also:

- a) broaden authorities, delegated or hinted at;
- b) claim exclusive rights when no exclusion is explicit; and
- c) consider shared governance as an exclusive bipartite arrangement between the campus' Academic Senate and administration.

Throughout, the report asserts more complete control, more exclusive governance responsibilities, and more sweeping oversight roles than are justified by the actual wording of the Standing Orders of the Regents (1969 revision, referred to hereinafter as "Standing Orders"). In the sections that follow below are examples of several areas in which *Mending the Wall* over- or mis-states the Academic Senate's delegated authority or role in the governance of the University.

The Perils of Misrepresenting Delegated Authority: Research

The Special Committee's report posits that the Standing Orders are exhaustive in identifying delegations of authority when it is consistent with their aim, but fill in and over-interpret vague phrases when bolstering the

Senate's case for exclusive authority and control. This is particularly true in the area of research, which the writers of *Mending the Wall* regard as the Senate's primary turf. In fact, to argue that the Senate provides all of the University's research content on this or any campus is to ignore the work of hundreds of non-Senate academic researchers and the millions of research dollars they bring in, including the important Cooperative Extension researchers whose work is so vital to bringing University research to practical and economically productive fruition.

The Standing Orders are notably almost mute about research. Only a handful of sections contain the term: sections 100.4, 103.4, 110.1, and 110.2 (which deals with fees for research assistants). In none of them is the Senate granted sole authority or oversight, or identified as the *exclusive* body to be consulted or advised about research. Here they are:

What the Standing Orders actually say about Research :

100.4 (j) The President shall consult with the Chancellors and the Academic Senate regarding the educational and **research policies** of the University, and shall keep the Chancellors and the Academic Senate informed about significant developments within the University and within the State and Federal governments which may have serious consequences for the conduct of education and **research** within the University.

103.4 Sabbatical leaves are granted, in accordance with regulations established by the President, to enable recipients to be engaged in intensive programs of **research** and/or study, thus to become more effective teachers and scholars and to enhance their services to the University.

110.1 The Board shall approve the establishment and disestablishment of colleges, schools, graduate divisions, and organized multi-campus **research** units, upon the recommendation of the President with the advice of the Academic Senate.

What Mending the Wall says about Research :

Overall, the delegations of authority can be interpreted as imposing on the Academic Senate responsibility for the maintenance of the quality of the **instructional and research effort** of the University of California. (p. 2)

...but they [The Regents] have also granted it [the Senate] the right to be consulted in every major area affecting the academic mission of the University including budget, **research** and academic personnel. (p. 8)

Where the Administration provides the context, the Academic Senate provides the content of the University. This is true in the areas of scholarship and **research**, although consistent with academic freedom, it falls largely on Senate members as individuals. (p. 8)

Thus, besides ignoring the current state of the University in fundamental ways, *Mending the Wall* misrepresents the Standing Orders' treatment of delegated authority in the area of research.

The Perils of Misrepresenting Delegated Authority: Instruction

A few lines in the Standing Orders become extrapolated to imply that the Senate alone is the guardian and provider of intellectual content in the entire University.

What the Standing Orders actually say about Instruction:

105.2 (b) The Academic Senate shall **authorize and supervise all courses and curricula** offered under the sole or joint jurisdiction of the departments, colleges, schools, graduate divisions, or other University academic agencies approved by the Board. . . [exceptions are made for professional schools].

What Mending the Wall says about Instruction:

While as a formal matter the Senate authorizes and supervises instruction, the Standing Orders envisage self-governance: the Senate not only **controls instruction**, by and large it is **Senate members who provide it as well**. (p. 8).

The Standing Orders phrase "**authorize and supervise** all courses and curricula" clearly has a different meaning from "**controls instruction**." Had the Regents meant this, they would have said so explicitly, but they did not. If they did mean for the Academic Senate *alone* to teach all courses in the University (if a literal reading of "supervise" means to sign each course grade sheet), then the current practice of the Academic Senate is not in line with the authors' own claims.

The report authors further claim that “**by and large it is Senate members who provide it (instruction) as well**”. This claim has no factual basis. When all instructional FTE are totaled for a campus-wide average, approximately half of the total instruction at UC Davis is performed by non-Senate academic appointees. [We enclose a report prepared by the Office of Resource Management and Planning detailing the total number of actual instructional FTE and the student/faculty ratio for each department and college.] This circumstance is not being driven by administration, but rather, by those Senate faculty who are less willing to teach, especially at the undergraduate lower division level.

Mending the Wall (Chapter 9) implies that non-Senate faculty have been hired relatively recently, under the pressures of increasing student numbers, somehow at the expense of and without the approval of Senate faculty. In fact, the Senate has participated fully in this growth of a teaching faculty, not because “Such instruction seems to be more easily provided by instructors dedicated entirely to undergraduate instruction” (p. 69), but because such instruction is time-consuming, requiring intensive individualized instruction. Far from being “administrative cattle trampling on the crops” of Senate perquisites (p. 1), the hiring of lower-paid faculty with higher course loads has enabled Senate faculty to lower their course loads and concentrate more on their research, and the University to meet its obligation to the State of California to provide instruction for students without adversely impacting departmental FTE.

Though *Mending the Wall* claims to shed light on a complex problem, it slights non-Senate faculty (who deliver most of the instruction in high demand areas such as English composition and foreign language instruction), unjustifiably characterizing the scholarship in these areas as “not reflecting well the typical profile of research in academic departments” (p. 69). Besides glossing over the prolific development of research in these fields—as evidenced by academic journals, conferences, and other publications—such statements fail to recognize the contributions that non-Senate faculty continue to make to such scholarly endeavors despite heavy teaching loads.

The Perils of Over-interpreting: False Dichotomies and Role

Extension

Mending the Wall includes a number of statements regarding University governance that over-reach the text of the Standing Orders in significant ways. It characterizes the governance structure of the University of California as an exclusive bipartite arrangement between Academic Senate and administration. There is little in the Standing Orders to support this characterization.

The following are examples of such statements made in *Mending the Wall* for which there is *no supporting parallel or similar text in the Standing Orders*:

What Mending the Wall says:

Under the shared management structure created by the Standing Orders, **concurrence** by the Academic Senate is required for most major initiatives. (p. i)

The Standing Orders of the Regents of the University of California divide management of the University between the President, who is charged with ensuring the material conditions for the success of the University, and the Academic Senate, which is charged with guiding and **executing** its academic mission. (p. 1)

What the Standing Orders actually say:

[A careful reading reveals that the Standing Orders do not actually contain the word “concurrence” or any phrase that would suggest this meaning.]

Further, there is scant evidence that the Regents have tied their hands in the management of the University by limiting their consultation to members of the Academic Senate and the Administration. Precursor documents to the Standing Orders suggest the authority to consult broadly. The authorizing article of the Constitution of the State of California (Article IX section 9) provides the Regents with broad discretion in executing its responsibilities, stating: “The University of California shall constitute a public trust, to be administered by the existing corporation known as the Regents of the University of California. . . . Said Corporation shall have all the powers necessary or convenient for the effective administration of its trust, including the power to sue and to be sued, to use a seal, and to delegate to its committees or to the faculty of the University, **or to others**, such authority

or functions as it may deem wise." Not only is "faculty" not defined exclusively, other delegated entities were envisioned as well.

Concluding Statement

Mending the Wall portrays itself as a call to action, repeatedly invoking "the spirit of "shared governance" that has been "threatened" by administrative practices. Late in the report, the Special Committee sets out a deep-seated concern, making this *unsubstantiated* claim about what the framers envisioned: "It is critical to maintain the **original vision** of the Regents in which the Senate is one of the two tracks that, along with the Administration, forms the backbone of the organization of the University" (p. 70). Yet the Standing Orders and precursor documents themselves may well represent a more inclusive and in fact more prudent sharing of governance rights and responsibilities for the next century of the University's existence—one that does not limit the Regents in ways suggested by the writers of *Mending the Wall*. The recent appointment of two non-Senate representatives to two Regents committees underscores the value placed by the Regents on consultation beyond the Academic Senate, and their support for more inclusive forms of shared governance.

Yes, there is much wisdom in the lines of Frost's poem "Mending Wall" as we consider the University of California in the 21st century. The speaker in the poem questions the wisdom of rebuilding the wall by asking: "Why do they (fences) make good neighbors?" " But here there are no cows. / Before I built a wall I'd ask to know / What I was walling in or walling out, / And to whom I was like to give offense."

Wittingly or unwittingly, *Mending the Wall* has given offense to the meaning of the Standing Orders of the Regents, to the constitutional language that authorized the University of California at its inception, and to the dedicated non-Senate academic personnel who play a vital role in the University. In the 36 years since the Standing Orders were last revised, the academic landscape has changed in profound ways. Perhaps rather than mining the Standing Orders for spurious authority, the Senate should join the Academic Federation to petition the Regents to re-examine UC's governance structure to reflect the interests and contributions of all academic personnel, while honoring the realities of the contemporary multifaceted University.