Statement on Academic Government for Institutions Engaged in Collective Bargaining

The statement that follows was approved by the Association's Committee on Representation of Economic and Professional Interests and the Committee on College and University Governance in 1988 and adopted by the Association's Council in June of that year.

The Association's 1966 *Statement on Government of Colleges and Universities* affirms that effective governance of an academic institution requires joint effort based on the community of interest of all parties to the enterprise. In particular, the statement observes that:

> The variety and complexity of the tasks performed by institutions of higher education produce an inescapable interdependence among governing board, administration, faculty, students, and others. The relationship calls for adequate communication among these components and full opportunity for appropriate joint planning and effort.
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> Joint effort in an academic institution will take a variety of forms appropriate to the kinds of situations encountered.

The various parties engaged in the governance of a college or university bring to higher education differing perspectives based on their differing, but complementary, roles in the academic effort. Traditional shared governance integrates those differing roles into productive action that will benefit the college or university as a whole. It is in the best interest of all parties to ensure that the institutions of shared governance function as smoothly and effectively as possible. Collective bargaining is one means to that end. As the Association's *Statement on Collective Bargaining* asserts, "collective bargaining can be used to increase the effectiveness of [institutions of faculty governance] by extending their areas of competence, defining their authority, and strengthening their voice in areas of shared authority and responsibility."

Collective bargaining should not replace, but rather should ensure, effective traditional forms of shared governance. The types of governance mechanisms appropriate to a particular college or university are dictated by that institution's needs, traditions, and mission. Since those basic factors are not necessarily affected by the emergence of collective bargaining at a campus, bargaining does not necessarily entail substantive changes in the structure of shared governance appropriate for that institution.

Collective bargaining on a campus usually arises at least in part in response to agencies or forces beyond the scope of institutional governance. When problems in institutional governance do contribute to the emergence of collective bargaining, these problems generally stem less from inadequacy in the structure for shared governance than from a failure in its proper implementation. Bargaining can contribute substantially to the identification, clarification, and correction of such difficulties.

Collective bargaining contributes to problem solving in three primary ways. Formal negotiation can improve communication between the faculty and the administration or governing board. Such communication is essential if the joint planning and effort urged by the *Statement on Government* is to be productive. Collective bargaining can secure consensus on institutional policies and procedures that delineate faculty and administrative participation in shared governance. Finally, collective bargaining can ensure equitable implementation of established procedures.

Collective bargaining should ensure institutional policies and procedures that provide access for all faculty to participation in shared governance. Employed in this way, collective

bargaining complements and supports structures of shared governance consistent with the *Statement on Government*. From a faculty perspective, collective bargaining can strengthen shared governance by specifying and ensuring the faculty role in institutional decision making. Specification may occur through bargaining of governance clauses that define faculty responsibilities in greater detail; assurance of the faculty's negotiated rights may be provided through a grievance procedure supporting the provisions of the negotiated contract. From an administration perspective, contractual clarification and arbitral review of shared governance can reduce the conflicts occasioned by ill-defined or contested allocation of responsibility and thereby enhance consensus and cooperation in academic governance.

The sharing of authority in the governance of colleges and universities, as the *Statement on Government* asserts, is sound practice for academic institutions to follow. Any process for refining and enforcing proper practice should be viewed by all parties concerned with the welfare of higher education as a welcome addition to academic problem solving. Collective bargaining can be such a process. To be effective, bargaining must allow the parties to confront all aspects of their common problems, without encountering externally imposed barriers to possible solutions. Each party must be free to address matters of legitimate concern, and bargaining should provide an inclusive framework within which the parties will be encouraged to move toward resolution of their differences. For this reason, the scope of bargaining should not be limited in ways that prevent mutual employment of the bargaining process for the clarification, improvement, and assurance of a sound structure of shared governance.

Thus, effective collective bargaining can serve to benefit the institution as a whole as well as its various constituencies. Faculty, administrations, governing boards, and state and federal agencies should cooperate to see that collective bargaining is conducted in good faith. When legislatures, judicial authorities, boards, administrations, or faculty act on the mistaken assumption that collective bargaining is incompatible with collegial governance, they do a grave disservice to the very institutions they seek to serve. The cooperative interaction between faculty and administration that is set forth as a workable ideal in the *Statement on Government* depends on a strong institutional commitment to shared governance. By providing a contractually enforceable foundation to an institution's collegial governance structure, collective bargaining can ensure the effectiveness of that structure and can thereby contribute significantly to the well-being of the institution.