Changes needed in UVa governance
Walter F. Heinecke | Posted: Sunday, July 13, 2014 8:33 am

Two summers ago, the Board of Visitors of the University of Virginia unexpectedly forced the resignation of President Teresa Sullivan. When the board reinstated her 17 days later, no less mysteriously, the crisis was not ended. The threats posed then remain today — threats to public higher education and to UVa’s stature as one of its successes.

In weathering the 2012 crisis, UVa revealed a great strength — shared governance — when the Faculty Senate and the General Faculty Council courageously asked the BOV to explain its actions and led faculty, staff, students and alumni, as they demonstrated what a vital community we are.

Yet the crisis also revealed that shared governance is insecure at UVa. Indeed, the crisis began as a failure of shared governance. Though the climate is much improved, the safeguards of shared governance still are not securely in place. Until they are, we risk a repetition of the crisis of 2012 — a crisis no one wants to recur.

We find instructive a recent evaluation of UVa governance by an external consultant hired by the BOV. As reported in The Daily Progress (“Expert finds major ideological differences in Board of Visitors,” June 5), Richard Chait, an expert on governance, presented the results of an anonymous survey of UVa visitors and administrators to the board.

We commend the BOV for conducting an open and honest examination of its own practices. The board’s aspiration to leave a legacy of more effective governance that other universities may emulate portends an affirmative process of learning and healing that, rightly pursued, should emphasize the national significance of the UVa crisis for public higher education generally.

While the board’s self-examination gives cause for optimism, Mr. Chait’s report nevertheless reveals several fault lines. As the BOV noted at the recent meeting of the governance committee, the fissures include tensions between the board as a collective entity and board members’ identities as individuals, and confusion about where the responsibilities of the board end and those of the administration begin.

Addressing these issues will entail further constructive steps toward the sharing of university governance with the university faculty. Although the BOV discussion was commendably public, it involved no faculty members. Although the discussion included several comments about the challenges of shared governance, the faculty role in such governance was not explored. Such
omissions would be less likely if the Special Committee on Governance and Engagement included a faculty representative, as all other BOV committees do.

This unfortunate exclusion exemplifies a wider omission of the faculty from decision-making about matters in which the faculty and the students we teach have a vital stake. As the BOV’s discussion with Mr. Chait reveals, many fundamental questions made prominent by the attempted ouster two summers ago have never been resolved.

The Southern Association of Colleges and Schools, which accredits UVa, put the university on warning, and the American Association of University Professors also censured the BOV. Although two years later the SACS warning has been lifted and the AAUP’s censure has been withdrawn, we agree with the AAUP’s official report of May 2013 that our hopes for further progress must be accompanied by vigilance:

“…[T]he committee now concludes with guarded optimism about adherence to the principles of shared governance in the months ahead. We expect the Association’s file on the case to be kept open until it can be said that our optimism was justified.”

We acknowledge improvements such as a quorum of the Executive Committee of the board must now concur in accepting a president’s resignation, and a vote of the full board is now required to force such resignation. Yet these changes do not secure the gaps in shared governance that were exposed in 2012. While the new rector is undeniably more congenial than his predecessor, and new board members are markedly more accessible, structural problems remain unresolved:

» There is still no faculty member on the Board of Visitors.

» There is still no improved process for appointing qualified board members.

» There is not even a non-voting faculty member on the BOV’s Special Committee on Governance and Engagement.

» There is still no formal procedure to involve faculty with hiring, evaluating or possibly terminating a president.

Only substantive reforms can secure the gains that reconciliation and mutual goodwill have inaugurated.

No one questions the board’s authority to dismiss the president. The problem, rather, lies in the deficiencies that made an improper dismissal possible. In dismissing the president, the board breached its own guidelines and served no one’s interests — not even its own.

What substantive reforms would assure more judicious conduct? As UVa’s most reputable peer institutions demonstrate daily, the solution is shared governance. The faculty, through their
elected representatives in the Faculty Senate and the General Faculty Council, have recommended steps to strengthen shared governance through reforms that are consistent with the recommendations of SACS and the national AAUP. The BOV should implement them. Transparency about such decisions will itself be a step towards the shared governance UVa needs.

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