

# THE STRUCTURE OF UNIVERSITY GOVERNANCE IN CANADA: A POLICY NETWORK APPROACH

## 1. INTRODUCTION

Research on higher education governance in the United States and Canada has tended to emphasize the importance of a number of analytical approaches (Birnbaum 1988; Hardy 1990; Pusser and Ordorika 2001). While these approaches are frequently discussed as 'models' of higher education governance, they are perhaps best understood as different organisational frames or analytical lenses. The bureaucratic frame, for example, applies Weber's characteristics of bureaucracy to the university setting in order to illustrate a rational arrangement of hierarchical authority relationships (Stroup 1966). The collegial frame begins with the assumption that the university can be understood as a community of scholars where decisions are made by consensus (Goodman 1962; Millet 1962), while the political frame described by Baldrige (1971) assumes that the university is a pluralistic entity where the decision making process involves a competition between competing individual and group interests. Other analytical frames have included organised anarchy (Cohen and March 1974), professional bureaucracy (Mintzberg 1991), and 'mixed models' that attempt to combine different frames and/or relate these frames to theories of organisational culture (Hardy 1990; Pusser and Ordorika 2001). While each of these frames contributes to our understanding of different ways of understanding university governance and decision making, the utility of each approach in the empirical analysis of university governance is limited since each begins with a template of normative characteristics. What one sees depends on the lens that one has chosen to look through, and yet many observers have noted that elements of each frame can be found in the same institution.

This study utilizes the concept of policy networks and employs a structural approach to understanding these networks (Coleman and Skogstad 1990). The central assumption is that policy decisions are made by policy networks. At the core of the policy network is the governing body, agency, and/or official that has been assigned formal authority over this area of policy. The approach emphasizes the importance of understanding the formal structure of the governance process and how these arrangements or structures are understood by those who play a formal role in this process. At the same time the approach allows for the possibility that policy networks might include other groups, organisations, and/or individuals who have a particular interest in the policy arena and who play an active role in attempting to influence policy decisions. Rather than begin with normative assumptions on the

character of university governance, this approach presumes that the character of decision-making is largely a function of the interactions within the policy network.

The focus of this paper is on institution-level policy networks at Canadian universities with a particular emphasis on the formal structures of university governance and the ways in which faculty and students, both through these formal structures and through the work of associations that represent their interests, participate in these networks. By focusing on universities across Canada I will attempt to provide a broad, national portrait of these governance arrangements, but it is important to recognize that there are differences in these policy networks by institution. Aside from differences in institution-level policy networks by university, it is also important to note that there are policy networks operating at the federal and provincial system levels of authority that significantly influence institution-level arrangements (see, for example, Cameron 1991; Jones 1996; Jones, Shanahan and Goyan 2002; Tudivor 1999), but which are largely excluded from this analysis. At the same time, there are also policy networks at other organisational levels within universities (for example, policy networks within departments, faculties, or service units) that are only briefly discussed in the paper.

My analysis employs data from five different but related studies<sup>1</sup> conducted over a seven-year period. In 1993 and 1994 I conducted 20 in-depth, open-ended interviews with university leaders (including 6 university presidents as well as faculty and student association presidents) in four Canadian provinces. These interviews included questions on institution-level policy networks in order to obtain a preliminary understanding of these arrangements at six Canadian universities. In 1993 I conducted a study of institution-level student associations at Canadian universities and community colleges (Jones 1995). Bilingual questionnaires were sent to the president or senior official of 238 organisations asking for information on the structure and goals of these organisations and the ways in which these organisations attempt to influence institutional and provincial system policy. A total of 100 questionnaires were returned for a response rate of 42%. Barbara Anderson and I conducted a similar study of university faculty associations in 1994 (Anderson and Jones 1998). In this study, bilingual questionnaires were sent to 78 institution level university faculty associations and we received 44 responses, a response rate of 56%. In 1995 Michael Skolnik and I conducted a two-phase study of Canadian university governing boards (Jones and Skolnik 1997). In the first phase, we obtained data from board secretaries at 45 institutions (75% of provincial government-supported universities in Canada) on board structure, composition, and basic operating arrangements. In the second phase we sent questionnaires to all governing board members at all participating institutions. The response rate for the survey of governing board members was 49% (583 of a population of 1191). Finally, in 1999 Theresa Shanahan, Paul Goyan and I conducted a study of Canadian university senates using the same two-phase approach that had been employed in the governing board study (Jones, Shanahan, and Goyan 2001). We received data on the structure, composition, and basic operating arrangements of the university senate from 42 institutions, and we received questionnaire responses from 890 senate members for a response rate of 40 percent.

almost all of these individuals are either appointed by government or by the board. Ninety percent of all governing boards also include representation from the graduates of the university, often selected or elected by the university alumni association.

Board members tend to be mature, well-educated individuals. Two-thirds of all board members are between the ages of 46 and 65 and approximately 25% are between 51 and 55 years of age. In terms of education, over 90% have at least a baccalaureate or professional degree and almost all members have some level of postsecondary education. Slightly less than one-quarter of all members hold a doctorate, and half of all members have completed some level of graduate education. It is interesting to note that the majority (59%) were board members at the same university where they had once been a student.

The majority of board members are male. Approximately 64% of members indicated that they were male and 34% indicated that they were female, and this ratio was the essentially the same for both inside and outside members.

In terms of the occupation of board members, 37% indicated that they were employed in the education sector, a figure that includes most of the board members who are from 'inside' the university community, as well as faculty and administrators from other universities or employees of the school sector. Other common occupational sectors included business (26%, frequently business executives), and professions (13%, with law, accounting and medicine as the most frequent responses). Eleven percent of board members indicated other occupational sectors, with non-profit sector enterprises and government as the largest subcategories, and 11% of board members indicated that they were retired.

Most board members are volunteers who are not remunerated for the time they devote to board activities<sup>6</sup>. The average number of hours per month that board members indicated spending on board and board committee work (including preparing for and attending meetings) was 10.3, with approximately 20% of members indicating that they spend five or less hours per month and another 20% indicating that they work 15 hours or more each month on board business. Over 85% of members indicated that they were active members of the board, with 4% of outside members (and no inside members) strongly indicating that they were not active.

On average, university boards meet eight times each year. All of the boards surveyed in the Jones and Skolnik study had created standing committees that provided recommendations to the board on some area of policy. Most boards had created bylaws that described the composition and terms of reference of standing committees and, in some situations, delegated board authority over certain types of decisions to these committees. Most boards had created an executive committee that created the agenda for board meetings, including determining what matters would go before the board, and routed board business through the standing committee process. Two-thirds of governing boards reported that their meetings are open to the general public, though certain items of business (for example, personnel matters) are conducted in closed session.

The majority of board members indicated that they were able to influence board decisions. Approximately 75% indicated that they receive the information that they

need to make decisions with about 21% of outside members (and 9% of inside members) reporting that they receive 'too much' information from the university. While the majority of board members indicated that they 'know the organisational structure of the university,' 80% of inside members and only 40% of outside members agreed strongly with this statement.

The Jones and Skolnik (1997) study found that there was considerable consensus in terms of board member perceptions of the role of the board. Board members believed that the board should act in the best interests of the university, it should be the final authority for approving major institutional policies, it should act as a 'watchdog' on behalf of the public interest, and it should ask 'tough questions' of senior university administrators. Board members indicated that the board could and should do more in terms of reviewing the performance of the university president, lobbying for change in government policy, and periodically reviewing the performance of the board.

The findings of the study suggest that board members believe that these boards are functioning reasonably well. Members believe that they have the information and knowledge necessary to make decisions that are in the best interests of the university, and while they identified areas of weakness, they generally indicated that they were satisfied with the work of the board.

### *3.2. The senate*

Of the 45 institutions that participated in the Jones and Skolnik (1997) study of governing boards, 39 (87%) indicated that they had a bicameral governance structure while 5 indicated that the governance structure of the university was unicameral (that is, with all authority vested in a single body). Even unicameral governing bodies, however, have created some senior academic decision making body to provide recommendations to the board on academic matters. In 1999, Jones, Shanahan, and Goyan (2001) conducted a national study of academic senates<sup>7</sup> and their findings provide a useful overview of this component of Canadian university governance.

The senate is a larger body than the university governing board. The average size of the academic senate in the Jones, Shanahan and Goyan (2001) study was 58, though there was considerable variation in senate size by institution ranging from less than twenty to several hundred members. Senate membership is usually described in terms of different constituencies, and most members are elected to the senate from within a specific constituency. While the majority of board members are from outside the university community, the vast majority of senate members are from internal constituencies, in fact only 5% of all senate members are from specific external constituencies (approximately 3% are lay-members and 2% are alumni representatives). In order to facilitate communication between the board and the senate, approximately 3% of all senate members are appointed by and from the membership of the board.

The largest single category of senate members is faculty (44% of all senate members). All university senates include student members (17% of all senate

The paper has been organised into three major sections. I will begin by reviewing the legislative foundation of Canadian universities and the implications of their legal status and distinct charters. The second section focuses on the university policy networks and analyses the work and role of the university governing boards, senate, central administration, faculty association, student association, and other participants. I conclude the paper with a discussion of key issues concerning university governance in Canada.

## 2. THE LEGISLATIVE FOUNDATION

In legal terms, Canadian universities have always been created as corporations. Until the creation of the Canadian federation in 1867, the source of this corporate charter varied by region and historical period. Several universities in what is now Quebec were originally created under papal authority, while other institutions were created by colonial legislatures, or Royal (English sovereign) Charter (Cameron 1991; Jones 1996). Under the British North America Act of 1867, the British legislation that created the Canadian federation of several colonies, the responsibility for education was assigned to the provinces, rather than the new federal government, and the provinces became the legislative authority for the creation of new universities<sup>2</sup>.

There are several characteristics of the legal foundation of Canadian universities that become extremely important to the discussion of university governance. The first is that Canada's public universities are legally chartered as private not-for-profit corporations. They are private in the sense that they are not owned by the state, though one would suspect that the government's interest in these publicly supported institutions would be clearly established if one of these private corporations were ever dissolved. In terms of the legal status of a corporation, Hatton has noted:

Once created or sanctioned by the state, the corporation is autonomous, self-sufficient, and self-renovating, governing itself by means of an internal constitution outlined in a set of bylaws. In concert with autonomy and self-sufficiency, a corporation is characterized by perpetual succession. In this sense, members may come and go, directors may die or retire, shareholders may sell their shares or go insane, but the corporation continues (Hatton 1990: 2).

Not-for-profit corporations do not have shareholders and they are subject to different tax and reporting arrangements than for-profit corporations, but their status as a 'fictitious person in law' allows them to hire staff, enter into contracts, sue and be sued, and own property.

The second important characteristic of their legal foundation is that, with a small number of exceptions, each Canadian university was established by a unique legislative charter. Each charter names the university and describes the institution-level governance arrangement through which the decisions of the corporation will be determined. While there are many common elements in terms of these governance arrangements, each charter is unique and there are substantive differences in terms of the composition of governing bodies and the language used to describe the powers and responsibilities of these bodies. Aside from creating the corporation and establishing the basic governance arrangements, these charters assume that the corporation will determine what it will do and how it will administer its affairs. At

the same time, a university that determines that its governance arrangement should be substantively reformed must seek provincial government approval, in the form of a legislative amendment to the charter, to do so. A number of the university officials I have interviewed have indicated a reluctance to move in this direction since, in opening a discussion of the charter, there is a concern that the government might decide to make changes above and beyond those requested by the institution.

The formal governance arrangement articulated in most Canadian university corporate charters is bicameral, that is, the legislation creates two university governing bodies and describes the division of responsibilities between these two entities. A number of scholars have reviewed the historical evolution of bicameralism in Canadian university governance (Cameron 1991; Jones 1996) and the origins of this framework are frequently traced to a 1906 Royal Commission on the University of Toronto<sup>3</sup>. The new governance arrangement that emerged following the Commission's report represented an attempt to distance the University from the direct political interference of the provincial government. Rather than view the publicly supported university as an arm of the state, the Commission argued that the university should be an autonomous, self-governing entity where provincial government interests would be delegated to a governing board dominated by government-appointed lay members. The governing board would assume overall responsibility for the administrative affairs of the institution, including the appointment of the president and other staff, and financial matters. The Commission noted that it had been impressed with the governing board arrangements it had observed when visiting a number of new American state universities.

At the same time, the Commission was also aware of the academic oligarchic arrangements associated with elite British universities and argued that a university senate should be assigned authority over academic matters. Bicameralism represented a governance structure that attempted to balance the need for external accountability to the state which financially supported the institution with the need for the participation of the professoriate in decisions that focused on academic standards.

The recommendations of the Commission were quickly adopted by the Government of Ontario through the approval of the University of Toronto Act of 1906. This governance framework influenced the legislation creating new universities in Western provinces and was gradually adopted by other institutions. By the 1950s, bicameralism had become the dominant model for university governance in Canadian universities.

Calls for greater faculty and student participation in university governance in the 1960s led to important governance reforms at most Canadian universities. While a national review led by Sir James Duff and Robert Berdahl provided recommendations on governance reform (1966), the response to local pressures to increase the participation of students on the university senate, allow for greater internal constituency participation on the governing board, and generally create a more open and transparent governance process, was institution-specific. Most university charters were amended by government in response to recommendations from the university, and these reforms to the legislative foundations of these institutions generally took the form of changes to the composition of the board and

modifications to the composition and scope of authority of the senate. For most universities, the reform of university governance in the 1960s and 1970s involving tinkering with, rather than abandoning, bicameral governance structures.

Most of the new universities that emerged as a function of the massification of higher education in Canada were also assigned bicameral governance structures though sometimes under omnibus rather than institution-specific legislation<sup>4</sup>. The new University of Quebec was created as a multicampus provincial system with a central governing body but with a bicameral governance arrangements at each constituent university involving an administrative council and an academic council. Bicameral governance structures were also legislated for the new universities that emerged in the province of Ontario, though for several of these institutions the charter legislation abandoned the notion of government-appointed lay members in favour of members appointed by the board itself – an important modification given the assumption that the board plays a role in representing the public interest.

The University of Toronto chose a very different path and consciously abandoned bicameralism in favour of the creation of a single governing council that included representation from both external (including a substantive number of members appointed by government) and internal (including faculty, student, and staff) constituencies. While the reform was designed to avoid the problems of bifurcated decision making through the creation of a single community governing body, faculty leaders soon perceived a loss of faculty influence over traditional academic governance. This concern later was addressed through the delegation of considerable authority to each of three boards. The Academic Board has been assigned a central role in academic policy and has a composition that closely resembles the university senate at other Canadian universities. The Business Board, with lay-members in the majority, deals with financial matters.

In summary, Canadian universities are created as private not-for-profit corporations. The legal foundation for most universities is a unique charter that creates a bicameral governance arrangement with authority delegated between an administrative governing board and an academic senate. In situations of conflict between the bodies, the governing board is regarded as the superior of the two, though it is important to note that at most universities the academic senate is created by the charter legislation; the senate is not a creature of the board as is the case in some jurisdictions. Finally, it is important to note that the charter legislation provides these governing bodies with significant substantive and procedural autonomy, to use Berdahl's terms (1971), to act in the best interests of the university. While there are limitations to this autonomy, especially in terms of government steering through regulations attached to operating grant and targeted funding mechanisms, Canadian universities continue to enjoy relatively high levels of institutional autonomy compared to universities in many other jurisdictions (Jones 1996; McDaniel 1996), and the formal university governance structure is assigned considerable flexibility in terms of determining what the university will do and how it will accomplish its mission.

### 3. UNIVERSITY POLICY NETWORKS

The charter legislation of most Canadian universities implies at least three sources of decision-making. The governing board is assigned responsibility for administrative matters while the senate is assigned responsibility for academic matters. The third source of decision-making is the central administration of the university. The board is charged with the authority to appoint the university president (sometimes referred to as a principal or rector) who is assigned responsibility for the day-to-day affairs of the university, and who, in turn, often determines or recommends the delegation of administrative authority within a central administrative structure specific to that university. In addition to the governing board, senate, and central administration, the university policy networks at each institution include a number of other influential actors that play an important role in institutional decision making. At all Canadian universities this policy network includes student organisations and faculty associations, and at some universities there are still other participants who play a role in shaping institutional policy. In this section of the paper I will draw on the data sources described above to elaborate on each of these major components of the university policy network.

#### *3.1. The governing board*

The national study conducted by Jones and Skolnik (1997) provides a useful overview of the membership and work of Canadian university governing boards<sup>5</sup> and the perceptions of governing board members. Recognizing that there are substantive differences by institution, this study provided a national overview by collecting data from 45 universities and the findings described below represent average or aggregate responses from all participating institutions and board members.

The composition of the governing board is normally stated in the university's legislative charter, and membership is commonly described in terms of specific categories or constituencies. In terms of how individuals become members of the governing board, approximately one quarter are appointed by government, one quarter are elected by a constituency, and one quarter are appointed by the board itself. The remaining members are ex-officio (that is, they are members of the board because of the employment position they hold), appointed by some other organisation (for example, the university alumni association) or appointed to the board by the academic senate. The average size of Canadian university governing boards is 27 members.

Approximately one-third of all board members are from constituencies inside the university. The largest categories of internal members are faculty (17% of all board members), and students (9% of all board members). The university president is a voting member at all universities. In addition, at some institutions, board membership includes other senior university administrators and/or support staff representation.

Two-thirds of all board members are from outside the university community. Approximately half of all board members can be categorized as lay-members, and

members). In addition to faculty and students, a significant number of senate members are ex officio in that their senate membership is a function of holding a specific academic administrative appointment within the university. For example, approximately 11% of all senate members are university vice-presidents or deans and an additional 11% of senate members hold other senior positions such as registrars, or directors of academic service units. Including the university president, who is a member of most senates, roughly one-quarter of all senate members hold administrative positions within the university. Since many of these academic administrators hold faculty appointments in the university their participation can be viewed as increasing faculty representation, but their membership also means that there is a substantive administrative presence on the senate and that many of the individuals that will be making recommendations on academic policy are members of the body that is charged with making decisions on these matters. Other senate members may include the university chancellor, representatives of university support staff (3% of all senate members) and representatives of federated colleges (3% of all senate members, and many of these individuals also hold faculty appointments within the university).

On average, senate members reported spending 6.5 hours per month preparing for and attending meetings of the senate and senate committees. Like the boards, senates have created standing committee structures governed by senate-approved bylaws and most have an executive committee that determines the agenda of senate meetings and oversees the movement of policy matters through the committees and to the senate. Most senate members characterize themselves as active members who are able to influence senate decisions, receive the information necessary to make decisions, and are knowledgeable about the structure and organisation of the university.

However, compared to the findings of the governing boards study, senate members indicated less satisfaction with the overall work of the senate and there were indications of discordance between the role that they believed the senate should play and the role that they believe the senate does play within university governance. Less than half of senate members view the senate as an 'effective' decision making body, though 64% indicated that it plays an important role as a forum for discussing issues. There was considerable agreement that the senate is, and should be, the final authority on issues of academic policy, though one interpretation of senate member responses is that there is a degree of ambiguity over the boundaries of the notion of 'academic' matters. Senate members believed that the senate should play a role in university budget matters, in determining the future direction of the university, in research policy, and in determining the priorities for fundraising and development activities. Senate members indicated that the senate does not currently play the role that it should in these policy areas at many universities.

Many senate members also indicated that the university provides little in the way of orientation to new members on the role of the senate and the work of senate members. They also indicated that few senates review their own performance, though most indicated that the senate should periodically review its work and role in university governance.

The findings of this study suggest that senates are large, participatory decision making bodies. The vast majority of members are from constituencies inside the university and there is significant representation from faculty, students, and academic administrators. While most members characterized themselves as active and knowledgeable, many believe that the senate should play a stronger role in a number of important policy areas within university governance. While most members believe that the senate continues to play an important role in university governance, only a minority of senate members believe that the senate is an effective decision making body.

### *3.3. Administration*

Most Canadian universities have a chancellor as the titular head of the institution. While the chancellor is frequently an ex officio member of the governing board (and, in some cases, the senate), this individual's formal responsibilities within the university are largely ceremonial. These ceremonial duties frequently include officiating at the university's convocation ceremonies.

The senior officer of the university is the president, sometimes referred to as the rector or principal. Perhaps as a mechanism for avoiding confusion over the different titles used at different universities, the Association of Universities and Colleges of Canada uses the term 'Chief Executive Officer' to describe this position, though this may also reflect the way in which the role is perceived by this association of university presidents. Regardless of the title, this senior officer is appointed by, and reports to, the board of governors of the university. While the final decision on appointment is assigned to the board under charter legislation<sup>8</sup>, it is now common practice for the governing board to create a search committee that includes representation from major university constituencies, including members of the board, members of the senate, faculty, students, and university administration. The search committee, frequently assisted by a private personnel consulting agency employed by the university, reviews the needs of the university, conducts a national search, interviews candidates, and provides the governing board with a recommendation. University presidents are usually former faculty members (frequently faculty who have obtained previous academic administrative experience as department chairs, deans or vice-presidents). The president is a member of the governing board and frequently a member of the senate.

Aside from the fact that all universities have a president, the administrative structure of the university is idiosyncratic to the specific institution based on decisions made by the governing board on the recommendation of the president. Most universities have at least two vice-presidents: an academic vice-president, sometimes called a provost, who plays a leading role in academic policy; and an administrative vice-president who supervises the administrative affairs of the university including finance and budget issues. Department heads or chairs report to the deans of each faculty which, in turn, report to the academic vice-president. It is difficult to generalize, however, beyond the basic notion that there is a central administrative structure unique to the institution<sup>9</sup>. Aside from differences in the

organisational arrangements of senior personnel, it is also important to note that there are differences in terms of the ways in which certain types of authority are centralized within the central administration of the university, or decentralized in that departments or faculties are given considerable autonomy over decisions associated with the unit (see, for example, Hardy 1996).

While there are important institutional differences in terms of administrative structure, there are a number of common practices that are important to the discussion of university governance. For example, it is the central administration of the university, often represented by the president, which plays the lead role in terms of the interface between the university and the provincial government. The president articulates the needs and interests of the university within what Clark refers to as the superstructure of the higher education system (1983).

Second, it is important to note that the same participatory processes employed in the appointment of a president are also utilized in the appointment of other senior officers of the university, including academic deans. A search committee, which includes faculty and student representation, will be created to review the needs of the position and make recommendations on the appointment.

Finally, most universities have created committees at almost every level of the institution that provide advice to university officials. There will normally be committee structures at the department and faculty levels, as well as committees dealing with university service units. These committees generally include faculty and student members. In addition, the university will frequently create ad hoc committees to provide recommendations on specific policy issues.

In summary, all universities have a central administrative structure that is approved by the board of governors of the university, usually based on the advice of the president. This administrative structure is responsible for the day-to-day administration of the university as well as providing recommendations on policy to the formal structures of university governance. There are committees that include faculty and student representation at all levels of the university.

### *3.4. Faculty associations*

While a number of institution-based faculty associations were created in the period from 1920 to 1950 as a means of ensuring that the governing board and administration were aware of the interests of the faculty (Nelson 1993), it was the recession of the 1970s that catalysed the emergence of the modern Canadian faculty association and its role in university governance. Following a mammoth expansion of Canadian higher education in the 1960s, the recession of the early 1970s forced many provincial governments to control expenditures. The universities, which had become accustomed to significant annual increases in operating support, suddenly found themselves dealing with grant levels that were lower than anticipated. The universities, in turn, began to look for ways of reducing expenditures, and given that the largest single area of expenditure was faculty salaries, faculty members began to look for mechanisms for ensuring that their interests were dealt with appropriately in the new budgetary environment.

The answer for faculty at many Canadian universities was collective bargaining. As Neil Tudivor has noted, "by the mid-1980s the landscape was transformed, with over 50% of faculty unionised on 29 campuses" (1999: 85). A new group of faculty associations unionised in the 1990s in response to new waves of government cutbacks and corresponding concerns about the impact of these cuts on faculty job security, salary, and other workplace issues.

Unionisation changed the decision-making processes within Canadian universities in a number of important ways. Unionisation meant that the governing board of the university could no longer unilaterally determine faculty salaries. Salaries became a key component of the collective agreement negotiated between the unionised faculty association and the university governing board. The same became true for a range of issues associated with the work of faculty that became part of collective agreements, including: the definition of academic freedom, procedures for new faculty appointments, faculty tenure and promotion; workload; professional development support; and other issues associated with the relationship between the faculty member and the university. The negotiated procedures for decisions concerning faculty appointments (including new appointments, tenure and promotion) not only specify the steps in the process, but also frequently prescribe the membership of relevant committees and the role of academic administrators. Prior to unionisation, many of these issues had been subject to administrative discretion, in fact while many universities had long awarded tenured appointments it was not unusual for this decision to be made based on the recommendation of a department head or dean without a formal review process (see Horn 1999).

Not all Canadian university faculty associations are unionised, but even non-unionised associations have often reached a contractual agreement with their governing board that specifies salary arrangements and many of the appointment and workplace issues that would be found in a collective agreement. This 'special plan bargaining' implies a relationship that is somewhere between consultation and certification (Anderson and Jones 1998; Ponak and Thompson 1984).

Unionised or non-unionised, all Canadian universities have a faculty association that represents its members in discussions or negotiations with the central governance and administrative structures of the university. The way in which membership in the association is defined varies by association, though most include all full-time faculty and many include part-time faculty. Membership may also be extended to other groups such as laboratory instructors or librarians. Faculty members pay a fee to the association, often a percentage of salary, which funds the operating costs of the association. Most faculty associations have paid staff who provide administrative or technical support for the work of the association. The president of the association is either elected by the members (91% of associations) or elected/appointed by an association committee or council (9% of associations) (Anderson and Jones 1998).

National survey responses from faculty leaders suggested that the three greatest priority areas in terms of the activities of faculty associations were "negotiating salaries and benefits" with the university, "assisting members with grievances", and "influencing university policies" (Anderson and Jones 1998). These three areas of activity were ranked highest by both certified and non-certified associations. Other

association activities included providing faculty members with information on university policy, attempting to influence government policy, and organising professional development activities or materials for faculty.

Most faculty associations attempt to influence university policy through the certified or special plan bargaining process, through monitoring and participating in the formal governance structures of the university, and through regular interaction with the central administration of the university. Faculty association leaders generally meet weekly or monthly with representatives of the central administration of the university, and university administrators will frequently ask representatives of the association for advice or assistance on certain policy matters.

### *3.5. Student associations*

Student associations have played a role in student life on Canadian university campuses throughout the history of these institutions. While these early associations were primarily focused on the organisation of extra-curricular activities, they frequently played a role in terms of representing the interests of their members through interactions with the central administration of the university. With the reform of university governance in the 1960s and 1970s, the participation of students in university governance increased and student organisations came to play a formal and legitimised role within the decision-making structures of the university (Jones 1995).

Every Canadian university has at least one institution-level student association, and in some cases there are several organisations operating at the institutional level where each represents a specific component of the student population. For example, there may be a single organisation for all students, or all undergraduate students may belong to one organisation and all graduate students belong to a second. Regardless of the organisational arrangements, all students are automatic members of at least one university-level organisation. Student association fees are usually mandatory and collected by the university at the time of registration. These fees are then transferred to the student association, which is frequently chartered as an independent, not-for-profit corporation. Student associations have their own internal decision making structures, often led by a president elected by the membership. A 1993 survey of student organisations noted that, on average, Canadian university-level student associations collected over \$300,000 in fee revenue and employed seven full-time staff to support the activities of the association.

Student associations are involved in a wide range of activities, including operating service businesses (such as photocopy services, pubs and restaurants), publishing a student newspaper, organising social activities, funding student groups or clubs, and providing students with academic services. However, student leaders ranked "influencing institutional policies," "monitoring institutional policies," and "helping students through 'institutional red-tape'" as the three highest priority activities of these associations.

In the 1993 study, all student associations reported that they attempt to influence university policy. Their participation in university governance includes formal

student representation on governing boards and university senates, membership on university advisory committees and task forces, and through regular interaction with the central administration of the university. Student leaders reported that they meet weekly or monthly with university officials to discuss university policy and student issues, and over 80% indicated that representatives of the university frequently ask the association or advice for assistance on policy matters. Approximately 56% of student association respondents reported that the association has "some influence" on university policy, and 27% indicated that the association has a "strong influence" (Jones 1995).

### *3.6. Other participants*

At some universities other groups and organisations play a role in university governance in addition to the parties described above. The university alumni association, whose members are sometimes represented on the university governing board and/or senate, may also play a role in governance through representation on internal committee structures, ongoing interaction with the central administration, and through its direct involvement in and policy influence over fund raising and development activities.

Other employee groups may also play an active role within the university policy network. Unionised support staff associations, for example, may play a role in governance beyond simply representing the interests of their members through collective bargaining. Of increasing importance at some universities has been the rise of unionised associations representing the interests of part-time faculty, that is, the emergence of an association distinct from the traditional faculty association wholly focused on part-time faculty issues, as well as separate associations representing teaching assistants (who are frequently graduate students).

## 4. CANADIAN UNIVERSITY POLICY NETWORKS

Most of the research literature on university governance in Canada has focused on the evolution and central principles associated with bicameralism, and on the composition of governing boards and senates (Jones and Skolnik 1997). In this paper I have attempted to expand the discussion by moving beyond the basic structural elements of bicameral governance and review the findings of a series of complementary national studies that focus on the work of governing bodies and relevant associations and the perceptions of board and senate members and association leaders.

While the legislative foundation of most Canadian universities created an internal governance structure involving an administrative governing board and an academic senate, the charters also provided institutions with the flexibility to determine in operational terms how these bodies would make decisions, the administrative structure appropriate to the needs of the university, and, within the broad parameters established by legislation, to make decisions on how the university would be governed. Over time these governance arrangements have come to include

standing committee structures, administrative appointment procedures focusing on the work of search committees that include representation from a variety of constituencies, complex administrative structures, and the participation of faculty and student organisations. The charter for each institution is unique, but in addition to the differences in governance arrangements prescribed by the charter, institutions have also created idiosyncratic administrative arrangements and found somewhat different answers to the question of how to organise the governance process in order to meet the needs of the institution. While the discussion above has attempted to highlight a number of the common structural elements associated with Canadian university governance, it is important to recognize that each university has a unique policy network.

While the arrangements are unique, there are a number of common issues associated with Canadian university governance. I will focus on three issues, the structure and balance of participation, the boundaries of authority, and the capacity for governance reform, and then conclude the paper with a number of observations on policy networks as a conceptual framework for understanding Canadian university governance.

#### *4.1. The structure and balance of participation*

The governance reform process of the 1960s and 1970s shifted the balance of representation in university governance in order to allow for greater student and faculty participation. One of the issues facing university governance is whether the structure and balance of representation that emerged three decades ago is still appropriate.

The governance reform process predated the rise of faculty unionisation. If the level of faculty participation on university senates and boards was designed to ensure that faculty interests were appropriately represented in the governance process, then unionisation clearly shifted this balance further in favour of the faculty. A number of scholars have noted that unionisation probably decreased the authority of the senate (Cameron 1991; Penner 1994).

These governance arrangements also defined constituencies in ways that addressed the needs of the 1970s, but may not address more recent changes within the university. For example, part-time faculty are seldom represented within the formal decision making structures of the university, and yet they play an increasingly important role in university teaching. Faculty and student members are often elected or appointed from constituencies that are defined by traditional discipline boundaries, and yet many of the very difficult policy issues that universities face involve an attempt to move toward the more equitable participation of groups that are defined in quite different ways, such as by gender, race, and sexual orientation. Structures of representation based on traditional discipline boundaries may also fail to address the special interests of interdisciplinary educational programming and research initiatives. Universities have created a wide range of specialized technical, administrative, and support staff positions that simply did not exist at the time when the formal governing structures of the university were

debated, positions ranging from sexual harassment officers to information technology specialists. The issue here is not whether every new category of interest should be officially represented within the formal governance structures of the university, but rather whether the structural assumptions that underscored the patterns of representation articulated within the governance structure continue to be appropriate.

Another issue concerns the level of participation. The formal governance structure at all Canadian universities assumes the participation of faculty, students, and other members of the university and external communities. In addition to these formal structures and associated committees, most universities have also created a host of other advisory committees, not to mention issue-specific task forces and policy review processes. However, the fact that the enrolment of Canadian universities has continued to expand while the number of full-time faculty has gradually declined has placed increasing pressure on faculty workloads. Participation in university governance may be regarded as an important service activity, but some believe that the time available for service activities is being squeezed by the much greater professional and institutional rewards associated with research and teaching. Part of the problem may simply be that the committee structure has expanded in response to new policy issues and university activities, and that a review of these arrangements could lead to a consolidation of committee arrangements while maintaining the principle of faculty and student participation. However, it is important to note that Canadian university governance relies heavily on the expertise and judgement of individuals who either work for free or whose contribution represents an opportunity cost in terms of pursuing activities that would bring greater career rewards – a phenomenon that would be unthinkable, and probably unsustainable, in the for-profit corporate sector.

#### *4.2. The boundaries of authority*

There are three types of recurring boundary issues in Canadian university governance. The first, assumed by the basic structure of bicameralism, involves the boundary between 'administrative' and 'academic' decisions. Almost all budgetary decisions have an impact on the academic work of the university, and almost all academic decisions have resource implications. At most universities the boundaries of authority between the governing board and the academic senate have been negotiated over time, but while governing board members appear satisfied with the role of the board, senate members believe that the role of the senate should be strengthened to include a greater role in the budget process and in establishing the future direction of the university. Two faculty senate members at Trent University recently initiated a court challenge to a governing board decision to close a university residence facility that had been opposed by the university senate, arguing that the decision involved an academic matter under the authority of the senate. The court sided with the governing board, though this decision is currently being appealed. The boundaries between academic and administrative policy matters are often ambiguous, but given the superior authority of the board, disputes on these

boundary issues are often resolved in favour of the 'administrative' perspective. This may be an expedient means of resolving boundary issues, but the findings of the senate study described above suggest that there may also be a need to create a forum for identifying the basic principles that underscore the division of responsibility between these two governing bodies so that both have a clearer understanding of how each contributes to the governance process.

The second type of issue concerns the boundary between the executive authority of the university president (and the central administration) and governing authority of the board and senate. The governing bodies have a responsibility to make decisions that are in the best interests of the university, but the central administration plays a key role in determining the information that these bodies will receive in order to make these decisions. The authors of one Ontario report noted that governing boards do not always receive the information they should receive in order to fulfil their role in terms of public accountability (Task Force 1993). At the same time, some university presidents that I have interviewed have provided examples of governing board members who wanted to move well beyond their role as governors into the day-to-day administration of the university. This boundary issue is being further exacerbated by the increasing complexity of the system-level policy environment in many provinces and new federal government research funding initiatives, changes that frequently require that the executive officers of the university engage in complex negotiations and respond quickly to what are perceived to be fleeting opportunities. These initiatives reinforce the importance of executive authority in the context of issues that may have significant policy implications for universities.

The third type of boundary of authority issue concerns the ways in which academic/administrative and executive/governance boundaries are negotiated for new policy issues. In this complex governance arrangement, who should have authority over a policy issue that the university has never dealt with before? Universities are now dealing with a range of new policy issues, such as issues related to intellectual property, research ethics, new relationships with industry, and new forms of fundraising and development arrangements. Given a governance structure based on a division of authority, who should have authority in a situation where the assignment is far from clear?

#### *4.3. The capacity for governance reform*

The high level of institutional autonomy of Canadian universities presumes that these institutions have the capacity for self-government, and the findings of the studies discussed above do not allow one to conclude that there is a 'crisis' in Canadian university governance. These institutions have weathered many storms in the last decade, from increased enrolment to major funding cuts, from new accountability requirements to dramatic changes in research policy, and while it is impossible to determine whether the institutional responses to these external pressures represented the 'best' decisions, the universities clearly demonstrated their capacity to make decisions through their governance structures.

At the same time, the findings do suggest that there may be a need to review the role of senate in the context of bicameral governance, to seek greater clarity on the division of responsibility within university policy networks and the boundaries of authority, and to consider whether the structure and balance of participation in university governance continues to be appropriate. Given that universities operate under unique charters, and that the governance arrangement at each institution has evolved in unique ways, the response to these issues will vary by university.

However, the findings of the studies described above might lead one to question whether most Canadian universities have the capacity to reform their governance arrangements. A key limitation to this capacity is the fact that changes to the basic structure and composition of university governing bodies cannot be made without the approval of government, and some institutions may be reluctant to move in the direction of reforms that require government sanction. Another limitation is that most governing boards and senates do not review their own performance to determine whether there may be ways of improving the current governance arrangements. The absence of any periodic self-assessment or feedback mechanism means that these university governing bodies have a limited capacity to improve themselves. Finally, few universities place much emphasis on orienting new board and senate members to their role as institutional governors, perhaps based on an implicit assumption that new members come to the table with the knowledge and experience necessary to determine what course of action is in the best interests of the university. Orientation programming, where it exists, tends to focus on governing board members and involves a review of institutional regulations and bylaws. In short, senate and boards members, as individuals, have little formal opportunity to learn about the broader principles and organisational assumptions that underscore their work, and the governing bodies seldom take a step back to discuss and evaluate broader governance issues.

#### *4.4. Policy networks*

The concept of policy networks provides a useful way of capturing both the formal governing arrangements associated with Canadian universities as well as the role of faculty and student associations and other interest groups that attempt to influence institutional decision-making. This frame allows one to observe the complex range of interactions that underscore the development of institutional policy.

Decision making in Canadian universities cannot be neatly categorized by applying any single governance model involving normative assumptions about process and power relationships. Some decisions may be bureaucratic, while others are the product of collegial consensus, and still others may be the end result of difficult political disputes. In other words, 'how' decisions are made as well as the actual policy outcomes emerge from the complex interactions within the policy network.

These policy communities are also dynamic in that both the process of making decisions and the outcomes of this process change over time. The appointment of a new university president with a less-consultative, more autocratic approach to

leadership will obviously lead to changes not only in decision making process, but also in the style or nature of the interactions within the policy network. The same is true for changes in the membership of the governing board or senate, or in the leadership of interest groups. The emergence of new interest groups and voices within these policy networks may lead to significant changes in power and authority relationships. For example, the emergence of a new union representing part-time faculty may not only lead to new policy decisions concerning the working conditions of union members, but the resulting collective agreement may also lead to changes in the responsibility of university administrators, force the governing board to deal with a policy issue that had once been delegated to departments, shift the responsibilities of the senate, and have an impact on the lobbying and/or collective bargaining position of the association representing full-time faculty. While Canadian universities continue to have relatively high levels of institutional autonomy, even minor changes in the external environment can lead to significant changes in the power and authority relationships within the institution-level policy network.

Interest groups play an important role in these policy networks. They obviously play a role in terms of articulating the interests of their members within this network. In some respects, association leaders can be viewed as lobbyists within the university governance process, but they can also be viewed as having specialized policy expertise. Both the student and faculty association studies described above found that association leaders frequently responded to requests for advice from the university administration. Interest groups also play an important role in university governance because of the services that they provide to their membership, especially in terms of communication. At the very least, interest groups have some form of representative structure that facilitates communication between the leadership and those representing specific constituencies within the membership, but almost all student associations provide financial support to student newspapers and faculty associations communicate directly with their membership through newsletters or other media. In other words, interest groups facilitate two-way communication between their members and the university governance process. Their leaders provide input to decisions made within the policy network, but they also play a role in terms of keeping their members informed of policies and policy issues. These associations help members of the university community understand university policy. Student associations help their members work their way through administrative 'red-tape'; faculty associations frequently run workshops that help explain university tenure policies to new faculty, or university pension arrangements to senior faculty. The same communications media can, of course, be used to mobilize dissent in situations where there is conflict between the interests of the membership and the decisions made by the university administration or governance structure.

The core decision-making structures within these policy communities involve the formal bicameral governance structures and the executive authority represented by the university administration. As already noted, these core features are surrounded by a complex web of interactions associated with the formal and informal roles assumed by constituency associations and individual members of the community. The complexity of these policy networks raises interesting questions concerning the

transparency of university governance. The transparency issue arises from the complexity of the governance structure and from the plethora of interactions within the related policy networks. While the meetings of most, though not all, university governing bodies are 'open' (at least when they are not addressing personnel matters or other confidential issues), these meetings primarily deal with proposals that arise through a complicated combination of administrative recommendations, advisory bodies, informal and formal consultations with association leaders and other interested parties, and then through the frequently complex subcommittee and standing committee structures of the formal governance bodies. The structure may be transparent in the sense that the final decisions emerging from meetings of the governing board and senate take place in a public forum, but for many faculty, most students, and external observers, the complex combination of formal and informal steps leading up to some of these final decisions are filled with mystery and shadows. In short, the outputs of these policy communities may be 'transparent' but relatively few members of the community have a clear sense of the roadmap of steps that are required to take a new initiative through to a final destination, and governing board and senate secretaries have come to play an interesting role at many institutions as the 'experts' in the routing of decision matters through the required committee structures.

The governance arrangements of Canadian universities have evolved in unique ways. They are unique from a national perspective because they share common characteristics that, in combination, make this approach to university decision-making quite distinct from their American, English, and continental European peers. They are also unique at the institutional level, since institutional autonomy has allowed each institution some degree of flexibility in determining how decisions should be made and who should decide. If we are to understand the implications of these unique elements, scholars of Canadian higher education now need to focus on the analysis of institutional case studies. We need to understand how these policy communities function at different institutions, how these communities are influenced by the external environment of the institution, and how these institutional governance processes are understood and experienced by various policy actors.

## NOTES

- <sup>1</sup> All of these studies were conducted with support from the Social Sciences and Humanities Research Council of Canada.
- <sup>2</sup> There are two important exceptions. Queen's University and the Royal Military College are both chartered by the Government of Canada, the former under unusual historical circumstances in the nineteenth century and the latter because it operates under the federal government's explicit constitutional role for national defence. While both owe their corporate existence to federal legislation, their authority to grant degrees in the province of Ontario is obtained under Ontario (provincial) government legislation.
- <sup>3</sup> Several universities had already experimented with bicameral structures. The importance of the Commission was that the final report articulated a clear rationale for this structural arrangement that seemed to address many of the political concerns of the day.
- <sup>4</sup> For example, in order to facilitate the timely creation of the new University of Winnipeg and Brandon University out of what had previously been colleges of the University of Manitoba, the Government of Manitoba passed framework legislation that allowed for the approval of new universities by order-in-

- council. Given this legislative framework, the Government was later able to modify the composition of the bicameral governing bodies of these institutions in the 1980s by order-in-council (essentially by Cabinet decree).
- <sup>5</sup> There are minor differences in terminology by institution. While most of these bodies are referred to as 'governing boards' some universities use other terms, such as the board of trustees, the administrative council, or the governing council.
  - <sup>6</sup> Jones and Skolnik (1997) note that two universities reported that they provide honoraria to board members, one of which provides a modest honoraria only to student members of the board.
  - <sup>7</sup> This study focused on the senior academic decision making body at each university. While 'senate' is the most common term, some universities use other names for this body, including general faculty council, academic board, or academic council.
  - <sup>8</sup> In some Quebec universities the appointment is confirmed by community election.
  - <sup>9</sup> For example, while some Canadian universities may have only two vice-presidents, the University of Toronto currently has seven, with specific vice-presidents assigned responsibility for academic policy (Provost), business affairs, human resources, fund-raising and development, government relations, research and international activities, and policy.

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