

Listening Session #3 30 June 30 2021

Summary Transcript

Deb Nichols

Thank you for joining us and for your interest in sharing your questions, comments, concerns, and insights on reconsidering what shared governance can look like at Purdue. I'll be facilitating this third listening session this afternoon. If you were here last time, we'll do a similar format. Remember that you can submit your questions and concerns through the chat, and on the website summary, we de-identify comments. You can also submit anonymously via our [web form](#), or you can submit to our [email address](#). You can also refer to our [website](#), where we've created and posted a FAQ, to begin to respond to questions and concerns. In some cases, we don't yet have an answer to and instead, it could be that we need to check with General Counsel, or Policies and Procedures, or we actually don't know and want to solicit your input and feedback and then consider and reflect upon what might be possible.

The **primary focus of this listening session** is to hear directly from you regarding what you think shared governance is, what you want it to be, what it isn't, what it means for you. We've received many questions and comments asking for clarification, or suggesting that it means this or that. So, we felt it would be a great idea to take a little bit of a step back and get your thoughts and opinions on what kinds of things you think could contribute to effective shared governance.

And we also want to address three issues that many of you have commented on during this process.

First, people have been asking about the current status of the working group. We have issued invitations to faculty, staff, students, and others, and held conversations with these people where possible. Members have been drawn from the faculty, from staff and students, and others who have extensive experience with current and past Purdue governance structures. While perfect representation is probably not feasible, we do want diversity of units, backgrounds, and opinions in the people who are participating. So as people confirm membership we will add their name to the website, and if they decline, will go on to ask another person.

Second, we wanted to clarify what shared governance means within the structures and laws of the state of Indiana with regard to decision making authority. Indiana law vests in the Board of Trustees the authority and responsibility for the operation of Purdue University. (IC 21-27-7-4). Thus, any roles or responsibilities for decision-making within a university governance structure must ultimately be traced to a delegation of authority from the Board. This includes delegations to the president and treasurer (and, through them, other members of the administration), as

well as to the faculties of the University. The Board of Trustees made such a [delegation to the faculties in 1964](#). This delegation was issued subject to certain parameters, including the condition that the responsibilities conferred were to be exercised "subject to the authority of the Board of Trustees and in consultation with the president." The delegation also made clear that it was not irrevocable, such that "[n]othing in [the delegation] shall be construed as restraining the Board of Trustees from taking such action as they determine to be necessary in the discharge of their legal responsibilities." In short, in the context of Indiana law, the role that can be assumed by actors in a formal shared governance structure (i.e. the faculty and the administrative offices to which the Board has delegated responsibilities) must ultimately be defined by the Board of Trustees in the exercise of their legal authority, and once the delegation is put in place, the various roles (whether they be advising, recommending or promulgating policies, or developing and implementing plans to achieve University objectives) must be exercised consistent with such delegation from the Board.

Third, we've received many comments, particularly from faculty, who are concerned that we are doing this work in the summer when many faculty with nine-month appointments are unavailable. These comments have also included many honest concerns that we could be trying to rush things through. So, with that in mind, and with the number of concerns that we've received, we've decided to slow down this process and provide more opportunities for deliberation. We are going to continue to gather information, questions, and concerns over the summer from those who wish to and are available to share that information. We will also plan to continue these listening sessions into the early part of the fall to allow those who leave Purdue in the summer, to have opportunities to include their voices in this process. For the remainder of the summer, we will conduct one more listening session, and will engage with general counsel and other administrative offices and committees to determine whether and how policies and procedures are affected by or effect any proposed changes. If you remember, if you were here last time, MaPSAC and CSSAC are bound by certain policies and procedures of the university. And so we'll be consulting with the group that would potentially make any changes to that. In early fall, we'll continue listening sessions, and will engage with our consultant and the working group around developing a mission statement, bylaws, and any potential policy and procedural changes. We'll distribute that roughly around mid-fall, so that people have a chance to read it carefully, to solicit input. We'll do revisions and then we'll distribute the revised documents for review. We'll have a campus-wide vote and then present that to the Board of Trustees at their December meeting. Finally, the impetus for this project began when a number of faculty and staff, present and past members of the University Senate, began to communicate with each other regarding our dissatisfaction with the way that shared governance was working. And we began to reach out for opinions and potential support from our colleagues. This process was a ground-up one versus a top-down idea or suggestion. It did not originate with administration, the Board of Trustees, or the Senate.

So here's a quick reminder of where we are starting in terms of a definition of shared governance: it's the process by which various constituents contribute to decision making related to policy, procedure, and practice; it does not necessarily mean shared decision making. Decision making, per the State of Indiana's laws, is held by the President and the Board of Trustees. So, within these constraints, shared governance will bring together constituents who represent everyone at Purdue, encouraged spirited and civil debate and dialogue, provide a direct line of communication to administration and the Board of Trustees, and recognize and accept our role as advisors and not decision makers. So that's where we're starting.

We sent around some primary themes around shared governance and would like now to get your comments and questions.

- How would you want to define shared governance?
- What would make you feel assured that shared governance is working (e.g., perhaps a feedback protocol where there is a public acknowledgement that the Board of Trustees has received the new council's input)?
- What is the role that a formal shared governance structure (e.g., a Senate, a Council) at Purdue can assume in the context of decision-making and laws in the state of Indiana?
- What are ways that staff, non-tenured faculty, and students might share honest opinions and feedback and not be concerned about their future status at Purdue?
- What are other forms of non-formal shared governance that we currently engage in (e.g., feedback forums and town halls, college or school level structures)? What are other ways we might engage in non-formal shared governance?

Q1: Is there a link to the document from 1964 outlining the trustees delegation of authority?

Deb Nichols

Yes; the [link](#) is in the FAQ on our website.

Q2: The word "governance" implies more direct decision making power than this group would actually have. Perhaps we should consider another term for this group.

Q3: If shared governance doesn't imply shared decision making, how can the interests of staff and non-tenured, especially adjunct faculty be represented if the Trustees are fundamentally in control of the process?

Deb Nichols

This is such an important point and something that we have begun talking about; it's always in the back of our minds for those who possibly don't have the same kinds of protections as tenured faculty. We have to repair relationships going in all directions, and really need to pay attention to what we can do. Many of the comments that people have submitted since May emphasize that we really have to have forums for staff and non-tenured faculty, where they can

feel like they can provide an honest critique or concern anonymously. We're hoping for more ideas to be shared about how this can happen.

Q4: Shared governance is a technical term referring to the division of responsibilities and labor between the Trustees, the President, and the faculty.

Q5: I am not sure why we are trying to redefine something that already has a definition.

Q6: In response to the second theme, "what would make you feel assured that shared governance is working?": evidence. Evidence shared governance working is when the Board of Trustees acknowledges the authority and responsibility of the faculty over issues of teaching and research. And when they ratify decisions of the faculty on those issues, it is working with the administration as represented by the President and Provost, following the votes of representative bodies of the faculty such as the Senate. But repeatedly we see the Senate make statements and the outcomes of past statements are not built into policy or practice by the administration. Or we see the Board of Trustees ignore a vote of the Senate rather than work to bring an alternative proposal through the Provost.

Deb Nichols

I think this is right. Everything that happened around the most recent civics literacy votes and issues speaks to the fact that this is not happening. And part of that impetus that led us here was to try to figure out a different kind of structure that would do exactly what you're describing.

Q7: I fear students are going to be thrown in to a process of repairing relationships when they weren't ever a part of the struggle.

Q8: Are you [Deb Nichols] as the person taking a leadership role in this effort, personally committing committed to advocating for greater faculty control over things like curriculum and the academic calendar?

Deb Nichols

Yes, I am.

Q9: If surveys are utilized, they need to be specific and to the point.

Q10: An acknowledgement of and respect for the perspectives of the advisory bodies would be necessary.

Deb Nichols

Absolutely. I wanted to go back to the question about delegation and decision making and make a clarification: There can be decision making, if it is within the parameters of a Board of Trustees delegation.

Q11: I believe that advocacy requires more effort than a simple vote by the University Senate. If faculty believes the administration is attempting to control what should be traditionally academic decisions, then faculty still can protest and find workarounds to the policy if they don't like it, but that is a choice faculty will need to make.

Deb Nichols

Part of the research that we've been reading on shared governance states that when you do things like incentivize participation, or elevate the level of respect and trust between different constituencies, then you get really great people who want to be engaged and want to contribute to the collective, and that's our long range ideal outcome.

Q12: Referring to Theme 3, "What are the ways that staff, non-tenured faculty, and students might share honest opinions and feedback?" This is an issue for all state universities. Boards of Trustees are always entrusted with the state's authority to make decisions through state law. But in practice this is impractical. Boards don't have time to manage all the decisions that have to be made. They write documents that govern how they delegate that authority. Those documents should be honored as much as the state law that defines the Board's mandate. To start with, the Provost and his authority is not in state law, and yet he makes decisions on behalf of Purdue's mission all the time. Governing documents govern the distribution of authority and should not be considered optional, just because they're not undergirded by the threat of prosecution if they're violated.

Q13: I haven't heard any discussion of including auxiliary staff, such as Purdue Research Foundation, and Purdue for Life employees, who are currently not represented on MaPSAC or CSSAC.

Q14: The Board of Trustees are intended to represent Purdue, but in some cases, they aren't even Purdue alumni and don't seem to have accountability to anyone. Is that something that can be remedied? It seems like a structural issue, since these are mostly business appointments.

Q15: In response to the second theme, I would feel more sure that shared governance is working if there were some evidence that decisions about the academic calendar were made with more than just faculty needs in mind. So much of Purdue's staff supports both faculty and students, and implementations like the proposed January Term affect more than just faculty—and yet staff didn't seem to have much of a voice in that decision-making process.

Deb Nichols

This definitely speaks to the reason why there needs to be equitable representation on these levels because it should matter; it shouldn't just be a faculty-only decision. 92 of the 102 senators are faculty, so we are interested in how could students or staff get voices into the discussion when staff don't have any voting rights on the Senate and students have one undergrad vote and one grad vote.

Q16: Who would be responsible for communicating to academic year faculty instructors and TAs about what it will mean that we would be paid for two weeks before classes start instead of one week? On the surface, this looks like a favor. But when I received official notification of my salary for this coming year, it occurred to me that the pay for two weeks before the semester wasn't described as extra pay; does this mean our salary is simply distributed across one additional week? Meaning we would be paid less per month? We don't have control over this arrangement. But shouldn't this distinction have been communicated to us so we could make plans accordingly?

Deb Nichols

We'll find out about this and add it to the FAQ.

Q16: Feedback doesn't have to be anonymous, if we have a culture that doesn't allow retaliation.

Q17: At another academic institution, they had an employee engagement survey completed by an outside company, similar to the faculty COACHE survey that is done through Harvard. What was helpful is that the results were shared after the survey was completed, whereas at Purdue, survey results don't seem to be shared.

Q18: Retaliation may not be allowed, but from an HR perspective, it can be very difficult to prove that an action was retaliatory.

Q19: In my past experience with non-formal shared governance at Purdue, it has been conducted poorly in the sense that there's very little reciprocity; examples include the employee engagement survey from February 2020 whose results weren't shared, as well as the benefits focus group process conducted in the past year. Both have had no follow-up in terms of sharing what the result to the input were, how they were used, and what the next steps are.

Q20: The Senate was put in place in 1964, and there have been very few substantive bylaws changes since that time.

Deb Nichols

I would like as part of what we're implementing to have periodic review built in and to encourage and set up mechanisms for reciprocity, and metrics that would show that these issues are being addressed.

Q21: is it possible for the Board of Trustees to delegate authority for a body that regulates the Board themselves? This kind of independent regulation would signify a huge step symbolically, and having accountability to Purdue itself can help build trust.

Q22: The HR division at Purdue has lost its reputation for being timely and trustworthy. It feels like HR is here to protect and serve the institution, not the individuals that work for the institution. It's hard not to fear retaliation when we can't even trust our own HR division.

Q23: Where does the authority to restructure the University Senate come from?

Deb Nichols

This is a great question. The impetus to do this came from a group of faculty and staff who were unhappy with the way things had been working, and wanted to determine if there was a different way of doing things. We formed a group to start talking about these issues, and then had discussions with various groups, including other faculty, other staff, the Board of Trustees, and administration about whether this is even a possibility, and then we presented it to everybody. So, this could fail. We don't have any official authority. But I think so far people are willing to watch the process unfold, willing to participate in the process, and willing to see what comes out of this process at the end. Ultimately, we can vote on it, but the Board of Trustees would have to ratify it and would have to administer the delegation of authority.

Q24: In response to non-formal ideas for shared governance, I've participated in town halls and focus groups, e.g., COACHE, and in conjunction with the Learning Management System Review a couple of years ago. Discussions were meaningful in small groups when participants and facilitators were interested in back-and-forth dialogue. For the town halls and COACHE groups, most people were interested in actual dialogue, but got derailed when individuals monopolized the time to air individual complaints. Having a separate non-tenure track group is that it could devolve into airing grievances and keeping things from getting done.

Q25: What do the Bylaws say about a restructuring?

Deb Nichols

As far as I'm aware, there's nothing in the Senate Bylaws about a restructuring, but this is not a Senate group.

Q26: The 1964 document seems to give the Board of Trustees a way to override any potential progress this governance group may try to take right: "nothing in the above, however, shall be

construed as restraining the Board of Trustees from making such actions as they determined to be necessary..." Hopefully, if a revision of the document occurs, it will close such loopholes.

Q27: Is there any quorum requirement before groups of faculty, staff, or students can start coming together and pitch for making changes in the manner they require?

Conclusion

We have about six or seven minutes before we wrap up. I wasn't sure if anyone else wanted to submit a comment or a question. I will remind everyone again, on our [website](#), there's a form where you can submit a question or input directly, and it will be sent to our [email address](#). The web form can be used anonymously or with a return address attached. So you can submit directly to the email, you could submit within the webform. Any additional responses or questions or suggestions based on these four themes should be sent to our email so that we can include them in our materials. As we begin the review process. We will hold another listening session on August 18. [Registration](#) is available on the website. Between then and now we'll continue to go through the couple of hundred emails we've received, as well as the issues brought up today in the chat. We'll be reaching out to general counsel and to the ERPG (Executive Review Policy Group), as we've been trying to identify in ideas people have submitted, what might be a policy or procedure or practice change and what is involved in that process. Responses continue to be added to our FAQ as we are able to research the answers. Lack of accountability matters, and we all want a better workplace.