

Charge S-2019: "Review the Senate's Relationship with the Rutgers Governing Boards"

Report

The Executive Committee charged the University Structure and Governance Committee of the Senate to

Consider and recommend appropriate communication pathways and relationships between the University Senate and Governing Boards of Rutgers. Recommend policy changes, if any, for improved robust communication and input.

This charge was prompted by a sense that, for several reasons, the communications pathways and relationships between the Senate and the Governing Boards needed to be improved, especially with respect to the role of the Senate representatives to the boards. The committee considered it vital, however, to understand this challenge in the broader context of the principles of shared governance at the university.

The tradition of shared governance is a bedrock of American higher education. The roots of that tradition go back to the earliest colonial colleges and even further back to the first Western universities a thousand years ago. The principle of shared governance, though often reaffirmed, has also evolved. In the words of one commentator, shared governance, as currently understood,

has come to connote two complementary and sometimes overlapping concepts: giving various groups of people a share in key decision-making processes, often through elected representation; and allowing certain groups to exercise primary responsibility for specific areas of decision making.<sup>1</sup>

The second of these concepts is essentially a principle of separation of powers within the university. Examples of this principle at work include the leading role that the faculty play in decisions about curriculum, academic policy, and the hiring and tenure of their own colleagues. The first concept, however, is in some ways more fraught, as it contemplates at least a certain sharing (rather than division) of responsibility in certain domains.

In most American colleges and universities, ultimate legal authority within the system of shared governance rests with the governing board of the institution. As a reflection of its distinct history and legal status, Rutgers has two boards – a Board of

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<sup>1</sup> See Gary A. Olsen, *Exactly What Is 'Shared Governance'?*, Chronicle of Higher Education, July 23, 2009.

Trustees and a Board of Governors. The voting membership of both boards is determined by state law, subject to the consent of the university.

As in most universities, the membership of the Boards is largely external. Nevertheless, the principle of shared governance, in both senses of the term, requires that the broader university community be able to share views with the boards and influence their deliberations. The President of the University, who is also a faculty member, and who sits *ex officio* on both boards, plays a vital role as the main formal connection between the boards and the university community. Informal channels of communication can also exist.

In addition, the practice at Rutgers, as spelled out in the Senate Handbook,<sup>2</sup> has been to elect non-voting Senate Representatives to both Boards.<sup>3</sup> These representatives are expected to “serve, with full voice but without vote... by action of those boards.” Each representative

serves as an advocate of the Senate view when appropriate, to the members of the Boards. Each also performs a liaison function by informing the Senate and the University community, to the maximum extent possible, of the activities of the boards, especially those matters that should involve Senate advice before final decisions are made. Board members are expected to consult among themselves to ensure complete coverage of all meetings of the boards, and to report regularly to the Executive Committee and to the Senate....

Senate representatives are assigned to committees of the Governors and Trustees by those bodies. They must observe any limits of confidentiality imposed by participation in board committee meetings.

It is evident that these representatives play a vital role in the Rutgers system of self-governance. They are not only an important conduit of information, but they can also inform and assist the deliberations of the Boards.

In response to the Executive Committee’s charge and the concerns that prompted it, the Committee on University Structure and Governance considers it important for the Senate to (a) reiterate the nature and importance of the tradition of shared governance, (b) emphasize the vital role that the Senate representatives to the boards can play, (c)

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<sup>2</sup> Senate Handbook, Article VII, Section E.

<sup>3</sup> “The three representatives to the Board of Governors are: one elected faculty senator who is a full-time faculty member, the chair of the University Senate *ex officio*, and one elected student senator. The four representatives to the Board of Trustees are: two elected faculty senators who are full-time faculty members; one elected graduate student senator; and one elected senior, junior, or sophomore undergraduate student senator.”

request that the boards take certain specific practical measures to maximize the effectiveness of the Senate representatives to the work of the boards, and (d) articulate an expectation of collegiality and civility for all the participants in the vital work of shared governance. The accompanying resolution tries to do all that.

Rutgers University Senate

Committee on University Structure and Governance

Charge S-2019: "Review the Senate's Relationship with the Rutgers Governing Boards"

Resolution Approved on February 18, 2022 for Submission to the Executive Committee

## **Resolution**

### **Be it Resolved**

*That Whereas*

1. The tradition of shared governance is a bedrock of American higher education. The roots of that tradition go back to the earliest colonial colleges and even further back to the first Western universities a thousand years ago.
2. Rutgers University has repeatedly affirmed its commitment to that system of shared governance. It is vital to the success of the university and to its sense of joint purpose.
3. In the system of shared governance, faculty, administration, the two University boards (the Board of Governors and the Board of Trustees), and other members of the University community each have distinct and distinctly important roles and responsibilities.
4. The work of the Board of Governors and the Board of Trustees is immeasurably assisted by the participation of non-voting Senate representatives. These representatives are an important conduit for the insights and perspectives of other participants in the system of shared governance. They can also play an important and constructive role in the deliberations of the Boards and Board committees. Their reports, if fully informed by their participation in the work of the Boards, and subject to requirements for confidentiality, provide the University Senate and the University community with important insights into the deliberations and decisions of the Boards.
5. For the Senate representatives to play these important roles as part of the system of shared governance, they need to be able to participate as fully as possible (albeit subject to limited reasonable exceptions) in the work and deliberations of the Boards and their committees.

*Therefore, the University Senate:*

1. Reiterates the vital importance of the system of shared governance at Rutgers University.
2. Calls on the Boards of Governors and Trustees to join with the Senate in an unequivocal commitment to the principle of shared governance.
3. Recognizes the vital contributions that Senate representatives make toward the success of the Boards' work and deliberations and the role that those representatives play in fostering clear lines of communication and a sense of shared purpose in the University.
4. More specifically, requests that the two Boards:

- a. Open membership on all Board committees, with limited reasonable exceptions, to the Senate representatives to the Boards.
- b. Reaffirm the right of Senate representatives to participate fully in the work and deliberations of the Board and Board committees with voice, on a par with the members of the Boards.
5. Expects that all board members, administrators, faculty, and other members of the University community will demonstrate utmost collegiality, respect, tolerance, and civility towards each other as they engage in the important task of shared governance.