

Melanie Landon-Hays 2.22.2022, Testimony to the Senate Education Committee

Hello Senator Dembrow, the Senate Education Committee. Thank you for the opportunity to speak to you today.

For the record, My name is Melanie Landon-Hays and I am the president of the Western Oregon University Federation of Teachers. I'm a professor at WOU and teach in the Division of Education and Leadership, preparing future teachers. I coordinate the Master of Arts in Teaching Program and also chair WOU's Graduate Studies Committee.

Last year was a very difficult year at my University. There was a general sense across campus that WOU's president and Board of Trustees were not acting in good faith on behalf of our community. Nonrenewal of tenure track faculty, elimination of programs, mass layoffs of staff, and cuts to salaries across the board, as well as other actions sent the message that we did not matter and that shared governance was dead. Our voices were shut out from board meetings, conveyed by the Board Secretary (who was also a member of the upper administration) to board members in a package of written information curated by the administration to tell their story to the Board as they saw fit. After months of prodding from our members, both the faculty and staff unions as well as our faculty and staff senates held a collective vote of no confidence for several of our administrators. Having been shut out from all after processes, it seemed our only option after months of being ignored and maligned by many upper administrators. We reached out to legislators with the results of our no confidence votes as well as other concerns that let them know we had been shut out and that our Board of Trustees and administration were working in a closed echo chamber with an internal narrative loop that did not match the experiences of those who worked at WOU. We were heartened with the proposal of SB 854 and hoped it would open up communication at our University, provide concrete insights about shared governance, and promote transparency for our shared endeavors.

As a part of the ongoing process of refining SB 854, we believe that the Report on Public University Governance was a positive step forward in the conversations on Boards of Trustees at Oregon's public institutions. As a Union, we're happy to see this report.

However, we hope this report will be seen as a beginning, rather than a conclusion. My goal in testifying before you today is to emphasize that there is still more work to be done.

EVIDENCE OF BEST PRACTICES

The AGB report provided their insights on best practices for University governing boards. However, this report shut down most of what we've been asking for in terms of increased access to the board and opportunities to speak to them, as well as concerns about the Board secretary, communications with Unions, and expanding numbers on the boards. AGB, in claiming expertise, states that increased access, service of Board Secretaries, communications with Unions, and expanding numbers are not a best practice when it comes to boards. However, when establishing best practices, they make reference to their own reports. We wonder if the practices cited were established through empirical research or are they just privileging their own

interpretation? In the report, they claim that what we are requesting (increased access, Union input, expanding Boards, etc.) are not best practices, but don't provide arguments or evidence as to why these are not a good idea. It's a claim of expertise that is mostly backed by their own assertions.

SHARED GOVERNANCE UNDERSTANDINGS

There are robust and mutually understood definitions of shared governance in higher education. Both AAUP and AFT have published a series of statements defining shared governance. In 2017, AGB put together a report focusing on shared governance as a vehicle for necessary change, and yet in this current report they don't define shared governance clearly and contend that faculty, especially faculty Unions, don't have strong understandings of shared governance. This mischaracterizes the skill of unions to advocate for faculty and how essential they are to University Governance. Faculty unions are made of FACULTY, and there is evidence that when Unions participate in shared governance, the result is a net benefit.

AGB misses that stakeholders hold many complementary roles on a University campus, and that Union work and other shared governance structures overlap in essential ways to advocate for the faculty. To compartmentalize these groups hinders their advocacy and skill in representing the collective faculty voice. We found it instructive in the AGB report that it carved out organizations on campus that aren't directly associated with employee's economic interests and blessed these as part of shared governance, while highlighting that unions weren't defined as being part of shared governance. However, to push off Union voice as only mattering in financial decisions such as collective bargaining is to oversimplify the ways that work compensation and work obligations intersect in a University community.

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

AAUP views collective bargaining as a component of shared governance, rather than a separate process that unions engage in, external to shared governance. The AGB report acknowledged that boards have to approve collective bargaining agreements, but characterized delegating this authority to the president, and having the president delegate it to an administrator, as a best practice. This diffusion of responsibility hampers collective bargaining as a tool of shared governance, much like limiting direct communication between unions and the board limits our broad participation in shared governance. If we want collective bargaining to

function properly as a tool of shared governance, we need to prevent this diffusion. In short, UNIONS DO REPRESENT THE FACULTY—and a persistent majority of faculty, not just a loud minority. They are an essential component of shared governance and should not be sidelined in governance processes.

TRANSPARENT PROCESSES

Perhaps the biggest omission of issues that were called for by the unions were those related to the structural issues of boards and transparent processes governing these. Many institutions provided recommendations for the inclusion of faculty, students and classified staff on BoT, as well as recommendations for the process of selecting these members. Yet, the report does not make recommendations for these to change.

Further, there are serious problems with the ways that boards provide accountability for the administration, and the administration for the Boards. If presidents select their board members, and board members then review the president, there are not transparent methods for providing outside perspectives and oversight. Additionally, the process of appointing and nominating the board trustees as well as other representatives should be public facing with clear criteria. Clearly, the legislature needs to redefine this process and put into statute more transparent guidelines. Across the state, multiple universities echo this experience; at my own University, this was signified by votes of no confidence for our upper administration. Boards have failed at their obligations for care and duty.

Consequently, the recommendation the report made that there should be training requirements is one I wholeheartedly support, but only if the processes and actions of boards are open and accountable to the whole community they serve. Otherwise, Boards of trustees will still be seen as inaccessible. Trained, but inaccessible, and this effort becomes only performative, a token to the community.

In short, it shouldn't have to take escalating things to a vote of no confidence to make boards work for their whole community. Thus, further conversations need to include a serious look at reforms to processes that promote feedback from faculty, the community and students. It shouldn't be this hard, it shouldn't be an uphill battle to make boards work for us.

IN CONCLUSION

We look forward to continued work with you to advance board reform. Though the AGB report provides some better understanding of public university shared governance, it falls short in other ways. Presently, my University is largely implementing the suggestions from Senator Frederick's letter, and I have now had the opportunity to speak twice to my Board of Trustees and their email addresses are now publicly available. For now, I have found that these are foundational gestures in comparison to what we really need to make these boards work for Oregon's public institutions. Further, we have seen in **this** very process that these boards will not make reforms unless they are required to do so by the legislature, and even then only with minimal compliance. I look forward to changes that reflect meaningful shared governance, more robust

definitions of best practices, and a push for more transparent processes that push boards to work with ALL stakeholders.

Thank you again for your time. I look forward to the continued work on this legislation.