Governing Urban and Metropolitan Institutions in a Time of Change

William G. Tierney
Guest Editor

Abstract

This article provides an overview to how to think about governance in the 21st century. The author points out the real world dilemmas that confront postsecondary institutions and considers the role governance plays in resolving them. He introduces the subsequent articles and delineates some of the most pressing problems for governance within urban institutions.

Most observers and participants in higher education acknowledge that the coming decade presents changes and challenges as significant as at any time since at least World War II. Even the language employed about postsecondary education is undergoing a sea-change. The higher education "industry" is in a rapidly increasing "market" that is not well understood because "consumers" rapidly enter and exit the "marketplace." Although some may have nostalgia for days of yesteryear when "consumers" were students and colleges and universities were considered akin to monasteries rather than industries, there is no turning back. Entry into the twenty-first century also has presented a wealth of new opportunities and improvements. Technology enables individuals to work with one another instantaneously from around the globe. Women and people of color hold executive level positions that would have been unthinkable a half century ago. The size and scope of this ever-expanding industry is also vast.

The challenges, of course, are equally daunting. Public funding continues to decrease. New institutions create competition in ways unheard of only a generation ago. Infrastructure demands skyrocket. Globalization has forced institutional leaders to rethink who they serve, while technology offers daunting challenges about how to serve new and old constituencies. Embroiled in all of these challenges, of course, is the manner in which traditional colleges and universities make decisions. Even before these changes were upon higher education, countless individuals had expressed concern about the nature of decision-making and governance.

A common complaint often has to do with the lethargic pace of decision-making and the complex nature of what has come to be known as "shared governance." When faculty are involved in governance, everything can bog down in a summer term when the faculty are gone. Administrators who wish to resolve one or another issue in an expeditious manner may well solve an immediate problem but create a logjam down the road because of perceived insensitivity to the concerns of the faculty.

The concerns about governance, however, are much more significant than merely an issue of timing. In this issue of *Metropolitan Universities* the articles touch on the various facets of governance that may prove most vexing to institutions in general, and urban colleges and universities in particular. In what follows, I offer a sketch of the articles by considering three broad categories. I first consider how to think about governance in the twenty-first century. I then turn to the fastest growing sector of postsecondary education but the least understood—for profit institutions. I conclude by considering how metropolitan institutions differ from their less urban counterparts.

The Parameters of Governance

A reflexive response when the matter of governance arises is to either call for stronger presidential leadership, or to look to the structures of governance and consider ways to fix and streamline the structure. Thus, the Association of Governing Boards (AGB) has issued thoughtful reports about the need for stronger institutional presidents (Association of Governing Boards 1996; 1998). Alternatively, the American Association of University Professors (AAUP) has provided equally thoughtful commentary about how to improve faculty senates and the processes of governance (AAUP 1966).

I cannot argue with the assertion that at some points in an institution's history a college or university president needs to respond to a particular challenge in much more vigorous ways than is the norm. However, a concern with the call for greater presidential authority is that frequently such calls are invoked on the assumption that college presidents need to be more like their confreres in the business world. Ironically, at a time when some suggest that college presidents need to centralize their authority, the reverse is happening in the business world. High-performing organizations are flatter and decentralized. Teamwork is emphasized. The metaphor for a leader is less a military general or a stern music conductor and more a design architect who sets the conditions for effective performance (Tierney 1999).

Similarly, some structures are broken. A periodic investigation into the structures of decision-making is frequently useful, especially in an age of rapid technological changes. A monthly meeting that was primarily devoted to information-sharing may now appear out-of-date and unnecessary when individuals communicate regularly through the Internet. A "library" committee may seem antiquated in an Information Age where electronic texts bypass a building once described as a "library." An information services committee may be more appropriate. As I discuss below, even who participates in governance may need to be rethought to such an extent that new structures are created and others are eliminated. The fastest growing constituency on many campuses, for example, is "academic staff." They frequently are not faculty, not administrators, and not support staff. They are professionals for work in laboratories, in medical schools, and in any number of non-teaching academic areas. But they frequently have no voice in governance. Surely they need to be incorporated in some structure in some manner that will call for rethinking structural norms.

However, the assumption I am working from here, and David Leslie expands upon this in his article, is that a focus on "leadership" or "structure" is largely a misplaced effort. It has become commonplace to observe that organizations are cultures not unlike traditional societies rich in ceremonies, rituals, and symbolic processes (Tierney 1989). Culture trumps structure. Indeed, the structures of a college or university exist in a socio-cultural framework. Frequently, individuals assume that the structures in which governance functions on their campus are meta-structures that exist on all campuses. Although generalizations surely exist—more four year institutions have a senate than do not; more public boards are appointed than elected—what is more important than easy generalizations is how the internal members of the organization and external constituents interpret those generalizations. Many traditional cultures, for example, may have similar familial relationships, but what matters to the cultural anthropologist is what the tribe makes of those structures rather than the simple-minded search for structural congruities.

Similarly, how the members of a campus and their constituencies interpret governance is what matters. I have visited campuses, for example, where collective bargaining has clarified roles and procedures and improved organizational effectiveness; I also have been to campuses where the structure of collective bargaining has created problems either through the interpretations given to it by the administration, or by those in the collective bargaining unit who have used the structure in an unproductive manner. I am suggesting, then, that the challenge for governance lies less with an increase in presidential prerogative or streamlining lethargic structures of governance and more with a focus on what David Leslie calls "governing."

Leslie makes the useful point that when discussions of governance occur, more often than not the argument revolves around who gets to make formal decisions. I would carry his point a step further and suggest that the point is not only who gets to decide, but whether the processes en route to making the decision were followed. Thus, when a president invokes a decision that some of the faculty dislike, frequently the discussion is less about the decision itself and more about whether every committee was consulted. For faculty who are trained in trying to find the logical flaws in a scientific argument, the assumption is that if an error in procedure is found along the way to a decision then the decision itself will be declared invalid.

Governing, however, focuses more on the manner in which individuals insert themselves into the decision-making process. Leslie claims that ultimately governing is more important than governance. Leslie's concern is that proponents of governance assume that some form of cookbook might be developed that explains how systems function; a concern for governing, albeit messier, will yield closer approximations of what actually takes place in colleges and universities.

The core of Leslie's argument, then, is that the organizational world is interpretive, and to a certain extent, up for grabs. To be sure, an individual cannot simply interpret the organizational world in any manner that he or she likes, but it is equally certain that clarifying structures will have a limited yield. Instead, one needs to find a balance

between what Leslie calls "legitimacy" and "effectiveness." Sometimes, a decision will need to work its way through legitimate decision-making structures and at other times a concern for effectiveness will necessitate utilizing other routes.

The assumption here is threefold. First, if an organization's actors are to lessen their preoccupation with formalized structures, then people need to be engaged in ways that increase their propensity to trust those in leadership positions (Tierney 2003). Second, organizations as cultures are permeable, adapting, and, curiously, resistant. That is, on the one hand, a cultural view assumes that structures change based on the current environment and the current actors' interpretations and needs, but on the other hand, they cannot adapt willy-nilly. A change in structure may imply a violation of the culture's history. In part, a leader's success is the ability to read the culture and interpret how it might be different due to current circumstances. And third, both for the researcher studying higher education and the practitioner living it, one is advised to focus on outcomes—where the institution's leaders want to go, rather than structures and processes—how to get there. The strength of Leslie's article is that his provocative use of the idea of "governing" helps readers pause before reflexively focusing on tinkering with one or another structure in order to adapt to the multiple challenges that confront academe.

The Changing Postsecondary Industry

The subsequent article by Jared Bleak moves a discussion of governance to another level and different sector—for-profit subsidiaries of nonprofit universities. The usefulness of Bleak's article is twofold. On the one hand, for-profits are the least researched and fastest growing component of the postsecondary universe. The little work that exists about for-profits is either armchair cheerleaders (Ruch 2001) or articles by those who bemoan their rise (Posner 2002). Most work, however, is absent of any data. On the other hand, although the manner in which for-profits function is decidedly different than non-profits, one can always learn about one's own circumstances by considering those who are different. What lessons might be learned for participants in traditional institutions by considering how for-profits govern themselves?

The rise of for-profits ought not to be seen as a harbinger for rampant capitalism, but instead as a madcap variation of organizational isomorphism that has sprung up for a variety of reasons. For-profit colleges and universities have been in existence for a century. The original perceptions of such institutions were that they were largely composed of technical schools that offered low-income individuals a trade—barber's colleges, beautician's schools, and the like. Over the last generation, however, they have grown into institutions such as the University of Phoenix—now the largest university in the United States, and Sylvan Learning—a company that opens up campuses world-wide and makes extensive use of distance learning. Some facets of for-profits are entirely different from traditional institutions; there are virtually no full-time faculty and tenure is absent—and other components are surprising; about half of all students who attend for-profits are students of color. For-profits depend, logically, on turning a profit, and where they are able to make that profit frequently comes from

the federal government by way of the customer. Students make extensive use of federal loans to such an extent that a "90/10" rule is invoked whereby an institution needs to generate at least 10 percent of its income from non-federal sources. Ironically, then, the norm for many for-profit institutions is that they get 90 percent of their income from the government whereas public institutions may get as little as 15 percent.

Such an observation touches on why understanding for-profits is of importance. What is meant by "for-profit" and "private" and "non-profit" are all terms that are up for grabs. Indeed, the Higher Education Reauthorization Act is currently under review in Congress and the 90/10 rule may be changed in a way that favors the for-profits so that they will be able to attract even more federal dollars. Regardless of the outcome, one is hard-pressed to assume that the static fiscal notions of how to define an organization that once existed will remain. For-profits are likely to become a bit more traditional; not-for-profits are sure to become more entrepreneurial.

One area where the two organizational types differ is the manner in which they work in the public arena. As I discuss in the next section, public universities function in varying shades of public scrutiny because of sunshine laws. Even private universities function with wide degrees of openness. The sense of openness is as much a cultural artifact as a legislative mandate. Traditional colleges and universities have as a central totem the idea of academic freedom—the search for truth wherever it may take a scholar. The devotion to academic freedom assumes free and open inquiry. For-profit institutions have no such commitment. They are run more like a business than traditional colleges and universities, and accordingly secrecy, rather than openness, is the coin of their realm. I imply nothing sinister by offering such an observation. Corporate boards are not subject to the scrutiny that their counterparts are in the public realm, and for-profit postsecondary institutions are simply mirroring those institutions with which they are most comfortable. The implications for governance, of course, are vast.

Jared Bleak addresses one specific aspect of for-profit governance in his article. He first delineates the governance structures and processes of for-profit subsidiaries and explicates why they govern themselves in the manner that they do. He then turns to the more interesting question of how these subsidiaries reflect or diverge from their parent "companies" (aka universities). In doing so, Bleak in many respects begins from the premises of Leslie. He suggests that organizations are cultures with distinct ideologies that provide powerful regulating and governing forces. One such ideology, for example, could be a commitment to academic freedom and openness. The interesting question becomes: what happens when a subsidiary does not have the same culture, and hence ideology, as its parent company?

The result, Bleak argues, is a clash of cultures. He offers two case studies that are based on a year's worth of data based on interviews and observations. What one finds is a frequent clash of cultures. Rather than create unique subsidiaries that are in conflict with the dominant culture, Bleak suggests that those for-profits that are to be successful need to be in alignment with traditional collegiate values. Such an assertion is of interest insofar as the recent history of subsidiaries of universities has been one of

failure. More for-profit subsidiaries have closed than thrived. Indeed, when traditional colleges and universities have tried to create an on-line version of their courses or a start-up company they have increasingly run into not merely cultural conflict, but resulting fiscal nightmares as well.

Perhaps the greatest lesson to be taken from Bleak's article is not a definitive statement on how to handle for-profits, or what they mean for the future of governance of traditional institutions. Instead, Bleak's text is an introduction to an area that is only going to increase in the coming decade. Rather than ignore or bemoan their rise, the cautions that Bleak raises are that postsecondary leaders need to consider for-profits dispassionately and objectively. To assume that one type of organization can simply morph into another is absurd; and similarly to dismiss one or another organizational type as irrelevant is equally mistaken. For-profits have much to learn from traditional institutions as they gain credibility in the traditional postsecondary arena, and traditional colleges and universities also have a great deal to learn from for-profits in an age when degrees of "private-ness" and "public-ness" are under review and change. The manner in which each type of institution governs itself in the future will in some degree turn on how much each learns from the other.

Governing Metropolitan Universities

One set of laws that impacts most public urban institutions has to do with public access to information and decision-making within universities, otherwise known as "sunshine" laws. The arguments about sunshine laws all too frequently have devolved into quite simple-minded and reflexive judgments. Many in academe claim sunshine laws are bad; those in the press respond that they are necessary. Discussions usually revolve around the degree of openness pertaining to presidential searches.

Ironically, yet again, while many in higher education seek to have less "sunshine" in their deliberations, the business world is moving in the opposite direction. The recent corporate scandals involving Enron, WorldCom, and others has led to legislation demanding greater openness, and by inference, accountability for public boards. There are also those in Congress who seek similar measures from all postsecondary institutions if they are to receive federal funding. The assumption, of course, is that greater openness enables greater public scrutiny which in turn makes institutions more accountable to the public and less able to commit scandals. Back-room deals out of the public view are impossible; presumably closer attention to the needs of the citizenry is more likely to occur.

The counter-argument has been just as well-rehearsed, especially with regard to presidential searches and board business. Top candidates are frequently those who already have a job. They have no desire to make known their interest about another job to their current boards and faculty. Hence, sunshine laws dissuade those very people that may be the best candidates from applying for a presidency of a public institution. Further, depending on the nature of the open disclosure laws of a state, even conducting sensitive board-related business may be difficult. Some states have laws that demand

board members only meet in public whenever more than two regents get together. The result is that sensitive matters can only be dealt with under public scrutiny.

Michael McLendon and James Hearn's article is a deft balance of the strengths and weaknesses of such laws. Their work is the first full-scale investigation of sunshine laws as they pertain to postsecondary institutions since the 1980s (Cleveland 1985; McLaughlin and Riesman 1985; 1986). Insofar as academic institutions revolve around the production, analysis, and debate about knowledge, their work is extremely useful in informing our understanding of sunshine laws. They make clear that a seemingly simple topic is not at all clear-cut. Sunshine laws not only pertain to presidential searches but also to a host of issues. The nuances of sunshine laws as they vary from state to state are quite significant. Rather than provoke a simple "good" or "bad" judgment, the authors encourage readers to consider the various permutations of the law and how they help or hinder academic governance.

Changes in technology also have provoked new questions about sunshine laws. When is a meeting "public?" If a candidate meets with a search committee via video-conference, ought that to be considered public? If two board members send email messages to one another about a board-related matter and then the message is forwarded to two other board members, at what point do open-meeting laws apply? The answers, of course, are not clear-cut. The use of their article is not to lobby for one or another point but instead to highlight the ideas that surround sunshine laws, to consider the coming controversies, and to argue that sunshine laws are not going to go away. Indeed, their final sentence ought to give pause: "We believe the tensions we have explored are likely to intensify, rather than abate in coming years." Thus, rather than merely bemoan sunshine laws or hold out hope that they will simply go away, the challenge is to consider how to work with them so that the broad intent is upheld while at the same time sensitive issues might be fully and freely discussed and debated.

Yolanda Moses looks at an entirely different governance-related topic, but one that has the potential to increase in import just as much, if not more than, sunshine laws. In large part, this issue of *Metropolitan Universities* is looking forward rather than back, focusing on emerging governance issues rather than ones that are clear-cut and settled. Just as for-profits are the fastest growing sector in academe and need greater analysis, and sunshine laws are increasing in importance and complexity, so too, the fastest growing group of faculty are non-tenure track faculty. This group is also growing the fastest at urban, public institutions. Moses delves into this issue by looking in particular at one cadre of that group—non-tenure track faculty of color.

Over the last decade there has been a great gnashing of academic teeth about the rise of non-tenure faculty. The AAUP has been the clearest voice about the dangers to the academy when tenure is eroded, and Richard Chait has been the most vocal proponent for alternatives to tenure (Chait 2002). In many respects, the debate over the rise of non-tenure track faculty has changed. The discussion, for better or worse, is no longer about whether to have non-tenure track faculty. For a multitude of reasons non-tenure

track faculty are now a central part of any college or university's teaching force and their numbers are not likely to decrease in the near future, if ever.

Oddly, while the academic community has debated the pros and cons of the increase of non-tenure track faculty, very little was done on a systemic level about how to incorporate these new academic workers into academic life. They frequently do not have offices; they are not included on departmental or college listservs; they do not receive invitations to academic or social activities; and they are ignored when it comes to governance.

As Minor discusses in his article, participation in governance means much more than simply whether individuals and groups participate in an academic senate. Effective participation pertains to involvement on multiple levels—at a departmental, college, and institution-wide level, as well as on ad-hoc and less formal committees. Once Moses outlines the increase and problems that exist, she offers suggestions about how to involve non-tenure track faculty at these levels. Her article is less based on empirical proof about what works and what does not with regard to governance involvement of non-tenure track faculty and is more a call to action. Just as the postsecondary community needs to take into account for-profit institutions and consider how their rise changes the overall environment, so to do leaders of urban institutions need to develop creative ways to involve a new cadre of individuals into the academic life of the institution.

Similarly, Douglas Priest and James Johnson focus on the changing fiscal environment for public institutions and consider what these changes suggest for the governance of urban institutions. By way of analyses involving various databases the authors are able to provide a succinct overview of resource allocations and spending patterns. Urban doctoral-granting universities, for example, decreased their spending on a per-student basis whereas their master's degree-granting urban counterparts increased spending. Somewhat surprisingly, the authors suggest that urban institutions will experience a significant growth over the next decade not in adult students, but in traditional-aged students. Less surprisingly, urban institutions are more racially and ethnically diverse than their counterparts, but they face the same shortage in hiring faculty of color and no solution appears to be in the pipeline.

Their article returns the reader to Leslie's initial point and then extends it. The authors suggest that with the significant fiscal challenges that confront metropolitan universities, not only will a variety of avenues need to be utilized to make decisions, but that leaders will need to define more carefully the multiple missions of the institution. Priest and Johnson's point has always been relevant, but today it is imperative. Often, shared governance has implied that faculty make academic decisions and administrators make administrative ones, as if academic issues did not have fiscal implications or that fiscal decisions did not impact academic arenas. The future will call for a greater understanding and synthesis of fiscal and academic decisions. The point is not simply that costs need to be calculated, but that governance

involves the effective communication of the implications of academic decisions. If the larger community does not share an understanding of the specific mission and focus of the institution, then high performance will be that much harder to achieve.

Finally, James Minor compares shared governance at metropolitan universities with non-urban institutions by way of a national survey he and I conducted (Tierney and Minor 2003). The survey included more than 3,500 participants at 763 four-year institutions, about 200 of which were urban. As might be expected, urban institutions are not entirely different from their non-urban peers. Shared governance, for example, is highly regarded—based on the survey's findings—by urban and non-urban institutions alike. Further, over three quarters of both institutions believe that the relations between the faculty and the administration are sufficient or very good, and the respondents at both types of institutions perceive communication to be quite good between administration and faculty.

However, some differences also stand out. Minor points out, for example, that there is much higher interest in faculty participation in governance on non-urban campuses. The topics that motivate faculty interest and engender faculty participation also differ. The point, of course, is not that one group's concerns should be another's, or that faculty participation in governance is troubled in one location and not another. Rather, the underlying premise of this special issue of *Metropolitan Universities* has been that governance matters as an institution's leaders struggle with the myriad challenges that confront urban institutions in the early twenty-first century. Just as Leslie cautions that one should focus on substance rather than structure, Minor suggests that faculty involvement will be critical to resolve many of the vexing issues that confront academe; rather than assume that faculty governance exists at only one level, an effort should be made to enable faculty to participate on multiple levels and venues.

This special issue concludes with brief reviews of two of the most important recent books pertaining to governance. James Duderstadt, former president of the University of Michigan, and his colleague, Farris Womack, contemplate the fate of the public university in twenty-first century America. Ron Ehrenberg, former vice president at Cornell University, also has edited a book that looks at many of the crucial issues pertaining to governance.

Shared governance in American higher education often has been characterized by its contentious and fractious nature. Virtually no one is content with how governance works in academe, but many are proud of the significant achievements that postsecondary education has made in the twentieth century. Individuals frequently forget that at the turn of the twentieth century, American higher education was still considered an intellectual backwater. Today, the United States postsecondary system is second to none. The research universities are unparalleled. The state systems of public colleges and universities educate more citizens than any other country in the world. The community colleges offer entrée into higher education for individuals that have long faced exclusion and discrimination.

Although one surely cannot claim that the governance system caused the relatively rapid rise to preeminence in U.S. higher education, we should be equally hesitant to suggest that faculty and administrative involvement in a system of shared governance has been irrelevant. Shared governance is a unique model that has served academe well. The point is surely not to enshrine it and make it unchanging, but rather, to help the system adapt to the changing needs of the twenty-first century.

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Author Information

William G. Tierney, Ph.D., is Wilbur-Kieffer Professor of Higher Education and Director of the Center for Higher Education Policy Analysis (CHEPA) in the Rossier School of Education at the University of Southern California.

William G. Tierney
Wilbur-Kieffer Professor of Higher Education
Director, Center for Higher Education Policy Analysis
University of Southern California
Waite Phillips Hall, Room 701C
Los Angeles, CA 90089-0031
Telephone: 213-740-7218
Fax: 213-740-3889
E-mail: wgtiern@usc.edu