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University Governance and governing bodies: A Perspective

A recent media report said: "Western Australia's universities will be allowed to appoint staff and students to their governing councils rather than hold elections under legislative changes about to be introduced by the State Government"¹ WA's Education Minister Peter Collier has said, "there hasn't been a formal consultation process and I make no apology for that"². It's a curious boast given the significance of the change and its impact on the ethos of university life and what it means to be a university.

Under its Act, The University of Western Australia legally comprises Senate (governing council), staff, students and Convocation (graduate body). A review of UWA's history in particular is helpful in showing the value of holding elections for the Senate positions reserved for students and staff.

Three official histories of UWA³ emphasize that since its founding UWA has forged a distinctive social contract between itself and the West Australian community. This social contract is reflected in UWA's governance structures where Sir Winthrop Hackett aimed for community representation to ensure "a university devoted to practical instruction in applied arts and sciences".

Remarkably, in "the Act which founded The University of Western Australia established the Senate as its "governing body" and assigned to it the control and management of every aspect of the University's activity. ... No provision was made for the Academic Staff to play any role in the governance of the institution" (de Garis, 1988, p.89).

In time, academic staff, and students as well, found their way into the Senate but not without resistance⁴. They brought a distinctive perspective. In a section headed "The first fifty years: the rise of the professors", historian Norman Etherington writes, "Senate and Convocation speedily contrived to subvert Hackett's vision ... [by appointing] professors in Mathematics and Physics, English, History and Economics, in addition to the more obviously practical subjects of Agriculture, Geology, Biology, Chemistry, Mining and Engineering" (Etherington, 2013, p. 61).

It is tempting – at least for academics – to assume they are well placed to know what's best for the institution but they suffer no less than other stakeholders from the tendency to confuse their own interests with that of the University. For instance, the establishment

¹ <http://www.abc.net.au/news/2015-11-04/wa-universities-to-appoint-staff-students-to-governing-councils/6913142>

² Source: "New legislation to allow WA universities to appoint staff, students to governing councils" by Nicolas Perpetch ABC News 4th Nov 2015

³ "Campus at Crawley" (1963) by Fred Alexander, "Campus in the Community" (1988) edited by Brian de Garis, and "Seeking Wisdom" (2013) edited by Jenny Gregory,

⁴ In 1974 and 1975, the Professorial Board requested the Senate to make its Chairman an ex officio member. "The 'outside' members of the Senate, however, regarded it as important to maintain their majority role on the University's governing body to ensure that it was answerable to the community. As a compromise, not only the Chairman of the Board but others such as the President of the Academic Staff Association and the University Salaried Officers' Association were permitted to attend Senate meetings as invitees" (p. 110).

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of the Faculty of Law in the 1920s and subsequently that of the Faculty of Medicine in the 1950s were resisted by professors who feared diversion of funds from existing programs. As Etherington (2013) observes, “had these initiatives [to establish the two faculties] been quashed, the University could never have aspired to more than second-rate status” (p. 65).

Further, in terms of bringing the University in line with, or even in advance of, social thinking on various issues it has been more often the students and recent graduates rather than academic staff who have led the way. Alexander (1963) notes that it was the mostly young members of Convocation who introduced proposals in 1930 for the establishment of women’s college, in 1934 for the study of Asian culture and Asian languages, and in 1939 appointed a Committee “to investigate the problem [sic] of Aborigines”.

The point of the above is not to display the limitations or perspicacity of any group of stakeholders but rather to underscore that the history of UWA’s governance shows that although external representatives, academics and students have jostled for dominance⁵ the University has been best served when all have been represented on Senate.

As universities increasingly adopt the jargon of commercial businesses by, for instance, referring to their “business model”, it may seem natural for them to develop their governance structures along the lines of large publicly-listed corporations which gives rise to talk about Senate members being selected for particular skills and competencies⁶.

However, there are several crucial differences between a university and a for-profit business and one of them relates to what Professor Roy Lourens, former holder of a chair in Accounting from 1975 to 1980 and subsequently Deputy Vice Chancellor (Finance) has described as “a measure of on-going turmoil” being the normal state of a university. In the history written to celebrate UWA’s 75th year, Lourens expands on this point in his chapter on “The University and Commerce”:

“The public outcome [of turmoil] can at times be embarrassing to the university and business or political leaders alike. But if the university is to be a place of originality, discovery and future enterprising leadership, it needs to encourage critical enquiry, tolerate dissent, and the endure the occasional difficulties inherent in a community of 12,000 scholars devoted to seeking truth and wisdom. Few businesses would accept this situation, or the consequential administrative strains. Yet this is the necessary foundation on which to build innovations, structural

⁵ Alexander (1963) documents the triumph of the professors in wresting influence over administrative matters, de Garis (1988) reports on the democratizing of administrative powers with non-professorial staff and students having a say

⁶ This kind of talk typically overlooks the fact that whilst the boards of listed companies are subject to the discipline of the market via a falling share price and threat of takeover, there is no equivalent hard accountability for Senate.

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adjustment, and the continued academic freedoms on which responsible individual freedoms ultimately lie" (1988, p. 17/18).

It is important to underscore that in this day and age hardly anyone affiliated with a university is likely to say they are against the expression of dissenting views. The test lies in particular cases. When considering which student and academic staff members to appoint to Senate, it is all too human to find reasons to overlook those who bring genuinely challenging perspectives and to favour the conventional voice.

It is also worth noting that attempts to freeze out or control the voice of academics and students are likely to be ineffective and also counterproductive. They have means to agitate effectively outside the Senate. As US President Lyndon Johnson put it, "it's better to have them in the tent ..."

UWA's history underscores the above point. Etherington (2013) writes, "UWA largely escaped the strident student challenges to authority that swept across other Australian university campuses in the late 1960s and early 1970s – unlike Sydney and Adelaide, where activists occupied the vice-chancellors' offices, or La Trobe, Monash and Flinders universities where students made their institutions the focus of their anger over wider issues such as the Vietnam War. **Perhaps the entrenched constitutional position of the Guild of Undergraduates in university government helped to diffuse the tensions that plagued other institutions.** UWA had also long been fortunate in the quality of its student leaders" (p. 67, emphasis in bold added)⁷.

It may be envisaged that the student representative appointed to the Senate would normally be, say, the elected Guild President but the fact that the appointment is contingent on some unspecified criteria and not automatic detracts from their legitimacy. It is precisely those times when the Guild President is not the appointee that the strain will be felt. Puppet regimes, and those perceived as such, are rarely effective.

To be clear: the argument for having elected members of staff and staff on Senate does not rule out having other appointed members selected for particular skills and competencies. Alexander (1963) and de Garis (1988) document the invaluable service to UWA provided by many members of Senate appointed from industry, government and the professions - but university governing bodies also need to have the capacity to reflect social developments and values that a Senate assembled purely on the basis of administrative competence would struggle to identify.

In closing: universities are not a business; they are institutional hotbeds where ideas are contested and societal values are subject to continual test. Having elected, not appointed, members to their senior most governing body is essential to preserving their role as agents for change in Western Australia. It is this vitality that is necessary to

⁷ De Garis (1988) shared Etherington's view, reporting that the inclusion of students to the Senate "proved very successful. Some of the students were outspoken and took a very active part in Senate discussion but they did so constructively" (p.110).

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challenge and publicly debate the push of managerialism for conformity and 'one size fits all' structures that inevitably curtail innovation, individuality and independence of thought.

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