

*Relearning and Rethinking Campus Governance
Through a Student Affairs Lens:*

Review of George McClellan and Neal H. Hutchens's

SHARED GOVERNANCE, LAW, AND
POLICY IN HIGHER EDUCATION:
A GUIDE FOR STUDENT AFFAIRS
PRACTITIONERS

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Much of the classic scholarship on campus governance, such as Robert Birnbaum's *How Colleges Work*,¹ have failed to create substantive connective tissue between student affairs practice and campus governance. To address this gap, McClellan and Hutchens have crafted a thoughtful and practical guidebook for student affairs professionals to help expand their understanding of university governance and how it correlates with their daily practice. Most importantly, the authors present a forward-thinking vision of campus governance founded upon inclusivity, shared power, ethics, trust, and engaging with purpose. As central as this text will become to the campus governance conversation the authors' framing of power and privilege inadequately addresses how the lack of inclusion in many university governance structures has hindered and may continue to hinder the refreshing new vision for inclusive campus governance the authors passionately advocate for. This lack of diversity and inclusivity in campus governance has led to campus unrest and a loss of faith in traditional university governance structures.² McClellan and Hutchens open the door to the critical conversation of rethinking campus governance to address these modern challenges but fall just short of giving student affairs practitioners all the tools needed to politically deconstruct traditional campus power structures and to rebuild a new campus governance edifice they sketch the blueprint for.

Chapter 1, "Overview of Shared Governance," is foundational in scope and leads with a short case study that highlight how issues of budget and the lack

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1 ROBERT BRINBAUM, *HOW COLLEGES WORK* (1988).

2 Anemona Hartocollis, "Long After Protests, Students Shun the University of Missouri," *New York Times* (July 9, 2017), <https://www.nytimes.com/2017/07/09/us/university-of-missouri-enrollment-protests-fallout.html>; (2017) "Summary Profile," AMERICAN COUNCIL OF EDUCATION (ACE), <https://www.aceacps.org/summary-profile/> (demographic profile of America's college and university presidents).

of inclusivity in campus decision-making can impact the academic quality of an institution. The case studies at the opening of each chapter in this work help to frame the authors' succinct and broad overview of campus governance. The authors carefully present cogent definitions of *shared governance* and provide a historical overview of *early governance* and how the concept has evolved in the modern day. They also underscore the *theories of transactional behavior* to assist in better understanding governance through an economic theory of organizational self-interest and competing interest lens. The authors' overview of *contemporary developments and challenges* is also helpful for student affairs practitioners as they carefully frame how student enrollment and demographic shifts are radically shifting expectations for campus leaders and how the expansion of non-tenure track faculty has increased tensions and feelings of marginalization on our campuses. Student affairs professionals should carefully consider the challenges outlined by the authors as many of these feelings of marginalization that have impacted nontenured faculty have mirrored the feelings of marginalization that some student affairs professionals express. The authors also point to the increasing complexity of organizational structures as an emerging challenge as well. McClellan and Hutchens also turn to a timely discussion of increasing globalization and the rise of for-profit and megauniversities that serve as direct threats for traditional brick and mortar universities. Each chapter ends with thought-provoking questions for discussion. The authors do a thorough job of foundation setting and highlight challenges and *calls for change* but fail to adequately discuss emerging issues such as the ethical use of *big data* on campuses and how universities can leverage technology to better serve faculty, staff, and students.³

Chapter 2, "Shared Governance Shareholders and Structures," provides a robust overview of the variety of governance structure nuances and how each is defined. The authors highlight the varying versions of governance, teasing out the nuances of the Board of Trustees and/or Board of Governors, each serving in a variety of leadership and political schemes on university campuses. The authors also discuss the university senates, faculty senates, student and staff senates, advisory councils, alumni associations, and task forces. McClellan and Hutchens thoughtfully frame the descriptions of each of these critical stakeholders through the lens of student affairs work and how student affair professionals can advocate for their work with each campus body. The authors acknowledge that the majority of student affairs professionals do not interact with many of these campus bodies, but astutely challenge student affairs professionals to rethink how this collaboration could amplify their work with students. Student affairs professionals typically understand the meta concepts of these boards function, but the authors encourage student affairs professionals to have a deeper understanding of the political, legal, and financial calculus that animate governance board decision-making.

In chapter 3, "How to Help Foster and Strengthen Shared Governance," McClellan and Hutchens's thesis becomes clearer. How can student affairs professionals strengthen shared governance, is the question that drives this chapter. They lean upon the characteristics of shared governance of Venable and

3 KAREN L. WEBBER & HENRY Y. ZHENG, *BIG DATA ON CAMPUS: DATA-INFORMED DECISION-MAKING IN HIGHER EDUCATION* (2020).

Gardiner⁴ that included *meaningful participation* and creating a climate of trust. The authors also wisely turn to Bejou and Bejou⁵ who promote transparency, planning, evaluation, and flexibility. McClellan and Hutchens detail how developing trust, patience, and political mapping are critical to navigating campus governance successfully. Their discussion of *getting comfortable with power, politics, and persuasion* misses an opportunity to provide student affairs professionals with more practical tools to dismantle traditional power structures on university campuses. McClellan and Hutchens acknowledge issues of inclusion and how they interact with campus power and encourage student affairs professionals to challenge this dynamic but posit that this work is beyond the scope of their project. The authors may have been better served intertwining their definition of power and privilege with critical race theory⁶ and feminist theories⁷ that deconstruct traditional definitions of power in higher education spaces. For example, student affairs professionals often serve as frontline advisors for student organizations engaged in activism to raise awareness for low-wage university staff or faculty of color; these equity issues are often elevated to campus governing boards. Student affairs professionals are often caught between their role as staff and assisting students to find their voice as advocates. Student affairs professionals often serve as an invisible student advising force, helping to prevent student advocacy from becoming antagonistic if possible. How can student affairs professionals be better prepared to navigate these politically multifaceted environments? How can student affairs professionals be better prepared to articulate their value to governing boards during and after these critical moments? Instead of the standard student protest and governing board response dynamic, is there an opportunity for seasoned student affairs professionals to facilitate restorative justice practices to mediate these conflicts? Could practices like restorative justice, a skill set well-honed by multicultural affairs and student conduct professionals, create a space that flattens the traditional campus power structures the authors wisely identify? McClellan and Hutchens could have gone a step farther to give student affairs professionals the tools needed to address these questions. Engaging in this discussion would help shift the power imbalances and political disconnect that exist between frontline student affairs professionals and governing boards.

Chapter 4, “Student Participation in Shared Governance,” paints a vivid portrait of how student affairs professionals are critical to the effort of ensuring that students are an essential component of the shared governance architecture. This chapter’s case study details campus’s challenges with institutional racism and privilege, and how this reality plays out depending on the demographics of students participating in the shared governance experience. The case study also highlights how the students on this campus did not feel engaged by campus

4 Venable & Gardiner, Synergistic governance, leadership teams, and the academic department head. Annual meeting of the association for the Study of Higher Education, St. Louis (1998).

5 David Bejou & Azam Bejou *Shared Governance: The Key to Higher Education Equilibrium*, 15 J. RELATIONSHIP MKTG. 54 (2016).

6 Laurence Parker & Octavio Villalpando. *A Racialized Perspective on Education Leadership: Critical Race Theory in Educational Administration*, 43 EDUC. ADMIN. Q. 519 (2007).

7 H. Anderson, H. (2003), *As if Gender Mattered: Feminism and Change in Higher Education*, 74 J. HIGHER EDUC. 321 (2003). 5

leadership, and thus healthy student participation in campus governance suffered. This case study adds color to the concepts of student engagement the authors introduce later. The authors wisely remind student affairs professionals of the tenets of quality advising, *telling students how to think not what to think*, how to build trust and, creating a culture that is inclusive and reaffirms student's identity as they navigate this experience. This chapter is a well-constructed roadmap for student affairs professionals who are seeking to engage a diverse student body on campuses where there exists a lack of inclusion in student leadership. This chapter serves as a helpful reminder for student affairs professionals that if students are a part of their campus governance architecture, by default as student affair professionals their role as advisors, mentors, and educators is essential and must be amplified by campus governance and legal affairs leadership on campus.

Chapter 5, "Intersections of Law and Shared Governance," is essential reading for student affairs professionals, particularly those whose daily practices intersect with general counsel (student conduct, Title IX, fraternity and sorority life, campus threat assessment). The chapter also highlights the many sources of law that impact university governance, ranging from state/local to federal, and how these rules may impact public and private institutions differently. For new student affairs professionals serving in these spaces, the introductory remarks do not traffic in anxiety-inducing admonitions. The counsel provided is grounded in a spirit of collaboration rather than conflict with these campus legal entities. This section also speaks to seasoned university legal professionals, encouraging them to tap into the expertise of student affairs professionals to remain student-centered as they navigate legal challenges. Often, student affairs professionals are disconnected from the political and policy intricacies of the law that define how their daily professional practices are animated. This chapter encourages student affairs practitioners to keep abreast of how local political influence can impact local and state laws and ultimately influence governance board decision points. These laws impact how student affairs professionals engage with students in crisis, discipline, and advise students seeking their services on campus. The authors make a strong case for rethinking how student affairs professionals are developed professionally. This chapter should compel leaders of student affairs divisions to provide broader context for emerging laws that may impact campus policy. More robust professional development of student affairs professionals will help these professionals better contextualize and communicate these policy shifts for parents and students during the animation and implementation phases of new campus policies. Those in governance and legal affairs roles should also be active in connecting with student affairs leadership to create platforms and open forums to educate new and seasoned student affairs professionals on emerging public policy and potential legal obstacles relating to American with Disabilities Act compliance, sexual misconduct, hazing statutes, and campus threat assessment they may encounter in their daily practice.

Chapter 6, "The Individual Voice in Shared Governance: Institutional Actor Versus Private Citizen," offers a unique and refreshing take on how student affairs professionals can balance their private and at times political identities with their professional obligations. These two identities are often at odds, particularly when an institution advocates for a policy position that may be in direct conflict with one's political or religious beliefs. The authors conduct a comprehensive overview

of campus speech litigation and the emerging challenges of student speech, faculty speech, and staff speech. The staff speech discussion is cutting edge, forward thinking, and encourages the reader to rethink many of the challenges related to staff expression on controversial matters and the differences in how faculty and staff speech are understood by the courts. The case law reviewed in this chapter is current, robust, and expertly frames the authors' counsel to student affairs professionals who elect to speak out and engage in social justice advocacy work to carefully consider the professional risks of speaking out. These sentiments are well timed and immensely valuable in our current political climate on university campuses.⁸

Much of the existing scholarship and on-campus training regarding the first amendment is often primarily centered upon student and faculty speech, leaving discussions of staff speech woefully underconsidered. As referenced earlier, student affairs professionals are often in the middle of helping students understand the scope of their First Amendment rights on campus. Legal professionals on campus would be wise to host educational sessions for student affairs professionals aimed directly at helping staff to navigate the scope of their First Amendment rights within the limits of their professional roles on campus. Student affairs professionals' roles as professionals in the traditional sense can often appear blurry. For example, a staff member may be a part-time doctoral student conducting controversial research frowned upon by superiors or present an unpopular professional perspective at an academic conference that is in conflict with the stated mission and vision of their department head. This is a gap in current knowledge that legal affairs professional and student affairs professionals can work collaboratively to fill, and would greatly benefit student affairs professionals who may be making the transition from staff to faculty or vice versa.

In chapter 7, "Policy, Policy Process, and Shared Governance," the authors explore the nuances of policy formation and the many external and internal entities that can help formulate policy and influence policy. The authors detail how the variety of external factors, such as emerging technologies, federal executive action, and lawsuits, can all influence the direction of policy formation for those in campus governance roles. This discussion is extremely clarifying for student affairs practitioners who are responsible for animating policy on their campus. McClellan and Hutchens lean into this reality and give proper time providing sage counsel to what they call street level bureaucrats who are rarely responsible for formulating policy but who are often solely responsible for educating and enforcing campus stakeholders on new policies. Reaching back to the principles of inclusion and building trust highlighted in chapter 3, the authors posit that the ideal policy formation works to incorporate frontline student affairs staff in the policy formulation stage. This chapter wisely advocates for early outreach to intentional and deeper bonds between those in governance roles and frontline student affairs staff to create stronger policy, highlighting a reality that is not the

8 Wesley Jenkins, *Since U. of Alabama Dean's Resignation, Students and Faculty Have Demanded Answers From a Silent Administration*, CHRON. HIGHER EDUC. (Sept. 18, 2019), <https://www.chronicle.com/article/since-u-of-alabama-deans-resignation-students-and-faculty-have-demanded-answers-from-a-silent-administration/>.

case on many campuses.⁹ Student affairs professionals are very much acclimated to environments where policy shifts are announced without warning or political context by governmental agencies and university leadership. During the summer of 2020, the Department of Education announced new regulations that oversaw the adjudication of campus sexual misconduct.¹⁰ Many campuses' student conduct, Title IX, and legal affairs offices collaborated and combed through the new regulations to ensure compliance and worked to animate the changes in their respective policies. Campuses that engaged additional student affairs units beyond student conduct and Title IX (housing, multicultural affairs, fraternity, and sorority life) to collect feedback about the policy changes and how these changes may impact students is an example of inclusive shared governance. Legal affairs and governance boards that create a platform for student affairs professionals to not just be informed about policy shifts, but to help in the policy animation and actualization process, creates a stronger sense of shared governance and stronger campus policy.

Chapter 8 concludes with "Themes, Thoughts, and Things to Do." This chapter serves as a call to action for student affair professionals. McClellan and Hutchens turn to the fifteen principles of Bejou and Bejou¹¹ once again to frame a pathway forward for student affairs professionals to have stronger understandings and connections with their existing campus governance structures. The authors reiterate the importance of ethics, building trust, patience, and engaging with purpose. It is here where the authors share more on their broader intent and vision with this work. Deftly, McClellan and Hutchens encourage student affairs professionals to recognize privilege and oppression in campus governance spaces and to confront *systemic isms* together in order to better wield campus governance power in ways that are *socially just caring, ethical, and impactful*. This sentiment is the undercurrent ethos of this text but would have better served student affairs professionals if more deeply interwoven within the theoretical underpinnings of the authors' definitions of power, shared governance, acting ethically, patience, and building trust.

A question that is beyond the scope of the authors' mission and left unanswered in this text is how governance boards can take ownership of the gap that exists between student affairs professionals? To collectively elevate student affairs work, those who serve in campus governance roles will need to work to assess their high-ranking and entry-level student affairs professionals. Identifying the gaps in campus governance knowledge and then working to create connective tissue between their campus's student affairs vision and the daily work of campus governance is an essential need. Creating stronger political bonds with student affairs leadership to learn more about the daily operations of the *street level bureaucrats* that animate governing boards' campus policy decisions will only elevate shared governance.

9 Lindsay Ellis et al. *The New Order: How the Nation's Partisan Divisions Consumed Public-College Boards and Warped Higher Education*, CHRON. HIGHER EDUC. (Sept. 25, 2020), https://www.chronicle.com/article/the-new-order?cid=gen_sign_in.

10 Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, Office for Civil Rights, Department of Education, 85 Fed. Reg. 30026 (May 19, 2020)

11 Bejou & Bejou, *supra* note 5.

A global pandemic and national racial conflict have once again placed higher education at an inflection point. McClellan and Hutchens expertly explore the theoretical groundwork on governance for student affair practitioners in this text. But given the scope and complexity of higher education's current challenges, the classic definitions of shared governance must be completely disrupted by understanding them through a lens of richer professional development opportunities for student affairs professionals, inclusion, and social justice.