RECLAIMING THE PUBLIC THROUGH THE ESTABLISHMENT OF A SENATE IN A NASCENT UNIVERSITY

by

JUDITH MCGILLIVRAY
B. Sc. (Nursing), The University of British Columbia, 1976
M.N., The University of Alberta, 1992

A THESIS SUBMITTED IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE OF

DOCTOR OF EDUCATION

in

THE FACULTY OF GRADUATE STUDIES

(Educational Leadership and Policy)

THE UNIVERSITY OF BRITISH COLUMBIA
(Vancouver)

DECEMBER 2012

© Judith McGillivray, 2012
ABSTRACT

This thesis is an attempt to respond to the governance challenges created by the establishment of five new “teaching-intensive” universities in British Columbia in 2008 with particular reference to Kwantlen Polytechnic University. Like each of the other new universities, Kwantlen had a substantial institutional history, in Kwantlen’s case as a college, then university-college; becoming a university invoked new values, new traditions that were, ironically, anchored in centuries old conversations about what it means to be a university—and who made decisions about what. To reflect its new status, Kwantlen’s governance structure was changed overnight from unicameral, centralized and hierarchical to one that aimed to be bicameral, devolved and egalitarian. As provost of Kwantlen Polytechnic University I can testify that the lived experience of the transition was not so swift.

The clash of governance approaches provides an opportunity to consider the purpose of university governance—and of universities themselves. The history of Western and Islamic universities is one of struggle for intellectual independence, with concern for faculty primacy in academic decision-making and institutional autonomy from church and/or state, leading to a complex and symbiotic relationship between universities and democracy.

To better understand the connection between the university as a democratic institution and bicameral governance, I turn to one of the most influential democratic theorists of the 20th century, Hannah Arendt, and her diagnosis and suggested remedies for current problems of democracy. Arendt argues that democracy depends on a robust public space where people can appear to one another and debate how they can live
together—a space that has been “darkened” by the incursions of a social-bureaucratic space that creates “rule by nobody.” Her remedy is the creation of new public spaces, which, ironically, depend on a parallel development of private spaces in which to prepare for the agonal public. I attempt to take advantage of Kwantlen’s transition from college to university to “think what we are doing” (Arendt, 1958, p. 5) by appropriating Arendt’s ideas to understand how a new university can govern itself more democratically.
TABLE OF CONTENTS

ABSTRACT ................................................................................................................................. ii

TABLE OF CONTENTS ................................................................................................................ iv

CHAPTER ONE: THE DEVELOPMENT OF A PROBLEMATIC .................................................. 1
Beginning Anew.......................................................................................................................... 1
Reconfiguring Internal Governance ....................................................................................... 3
The Role of University Senates ............................................................................................... 7
The Current Problematic ........................................................................................................... 9
Entering the Problematic Through a Different Framework .................................................... 13

CHAPTER TWO: BICAMERAL GOVERNANCE AND THE NEED FOR PUBLIC SPACE... 18
The Decline of Public and Private Spaces and the Rise of the Social Space ....................... 21
The Social Space – Its Relationship to Conformity ................................................................. 24
The Social Space – Its Relationship to the Growth of Commodity Exchange Relations .......... 28
The Social Space – Its Relationship to Bureaucracy and the “Rule by Nobody” .... 31
The Importance of Reclaiming Public and Private Spaces ................................................. 37
The Public Space – Both a Common World and a Space of Appearance ............................... 41
Speech and Deed – The Arendtian Notion of Action ............................................................. 44
Action as Contrasted with Labour and Work ......................................................................... 48
Summative Comments on Labour, Work, and Action ............................................................ 51
The Private Space ....................................................................................................................... 53
Drawing Parallels Between Action, Public, Private, and Social Spaces and a Bicameral Governance System ............................................................................................................. 59

CHAPTER THREE: SELECT HISTORICAL NARRATIVES SHAPING UNIVERSITY GOVERNANCE .......................................................................................................................... 65
The Idea of a University as a Formal Institution of Higher Learning .................................... 67
The University as a Corporation .............................................................................................. 73
The University during the Renaissance & the Age of Enlightenment .................................... 74
The Adaptation of European and British Models of University Governance in the United States ............................................................................................................................................. 75
The Introduction of Boards of Governors .............................................................................. 76
The Role of a President ............................................................................................................ 77
University Independence from the State .................................................................................. 78
The Role of the Faculty ........................................................................................................... 79
Summative Comments ............................................................................................................ 81
The Shaping of University Governance in Canada ............................................................... 82
The Flavelle Royal Commission on the University of Toronto (1906) ................................. 84
The Duff & Berdahl Commission (1966) ............................................................................... 86
The National Data Base on Faculty Involvement in Governance ...................................... 90

iv
The Faculty Response: The Canadian Association of University Teachers .......... 91
Summative Comments ..................................................................................... 95
The British Columbia Experience of Governance in Public Post-Secondary
Institutions ........................................................................................................ 96
Community Colleges in British Columbia ........................................................ 96
The Establishment of University Colleges in British Columbia ...................... 99
The establishment of education councils ......................................................... 101
Further times of transition .............................................................................. 103
Campus 2020: Thinking ahead ...................................................................... 104
The Establishment of Special Purpose Teaching Universities ...................... 106
Facing the challenges of implementing a new governance model .......... 109

CHAPTER FOUR: THE POTENTIAL FOR THE RECOVERY OF THE PUBLIC SPACE IN
HIGHER EDUCATION GOVERNANCE ................................................................. 113
The Need for Public Space ............................................................................. 114
Senate as a Structure to Foster Public Debate ............................................... 117
Appearing in Public ~ Who’s Included and Who’s Excluded ....................... 120
The Need for both Public and Private Spaces: Creating Faculty Councils and
Committees ........................................................................................................ 130
Senate Standing Committee on the University Budget .............................. 135
Senate Standing Committee on Academic Planning and Priorities ............ 137
Senate Task Force on Academic Rank and Advancement ............................ 138
Sustaining the Public: The Role of Parliamentary Procedure and Majority Rule 139
Agenda Setting – Its Relationship to the Public Space .................................. 141
Deliberation and Debate in the Public Space ............................................... 147
Moving Decisions from the Public Space into the Social Space .................. 149
The Senate and the Faculty Union ................................................................. 153
The Senate and the Board of Governors ....................................................... 159
Summative Comments ................................................................................. 162

CHAPTER FIVE: A UNIVERSITY SENATE’S ROLE IN ARTICULATING A PUBLIC SPACE
.......................................................................................................................... 164

REFERENCES .................................................................................................... 172
CHAPTER ONE: THE DEVELOPMENT OF A PROBLEMATIC

September 02, 2008 was a momentous day for Kwantlen Polytechnic University. It was the first day of business for Kwantlen as a newly constituted public university in British Columbia, Canada. Celebrations had been scheduled starting from 0730 at each of the institution’s campuses in Langley, Cloverdale, Surrey, Newton, and Richmond. The banners and signs of the past 13 years, identifying Kwantlen as a University College, had been replaced with those now proudly identifying the institution as a Polytechnic University. It was reminiscent of an earlier time when the Kwantlen College signs, which had signified its status since 1981, had become a memento in 1995 when the institution’s mandate changed to that of a university college. In essence, within a period of twenty-seven years, Kwantlen as a public post-secondary educational institution had been born, reborn and reborn again with each new educational mandate assigned to it through government legislation.

Beginning Anew

Birth and rebirth implies newness and beginnings, “the capacity of beginning something anew” (Arendt, 1958, p.9); Levinson describes this as a reconfiguration of “entrenched social forces” (Levinson, 2001, p. 27). Birth and rebirth also signifies the condition for new possibilities, of hope, suggesting that seemingly intransigent ways of being and interacting can be changed “ through the forging of new social realities” (Levinson, 2001, p. 17). Levinson contends that such realities occur whenever individuals or groups act together in relation to the world, when these individuals “…engage in a dialogue across differences” (Levinson, 1997, p. 438). Yet birth and rebirth is into a
world in which others live, a plural place in which much is already constituted, tempering the capacity to begin something new or to accomplish that which we set out to challenge and to reconfigure. An effort to initiate newness--sometimes associated with “the effort to unsettle, interrupt, or deflect social processes that seem inevitable and inescapable” (Levinson, 2001, p. 17)--takes place in the midst of other actors who also possess the capacity to create new beginnings. Pitkin reinforces the potential paralysis that can circumscribe new possibilities when she asserts that “…we and our present situation are conditioned by people’s past actions” (Pitkin, 1998, p. 20) that pursue us into the future.

Kwantlen thus stood on this day, a new university, emerging from a history of traditions and values associated with community colleges and later university colleges. With each new beginning, as a certain type of public post-secondary institution, Kwantlen was inserted into the plurality of other existing public post-secondary educational institutions in British Columbia, in Canada and in the world, and became heir to the pre-existing traditions and values of what a community college is, the more obscure entity of a university college (Dennison, 2006), and now what it means to be(come) a university.

Then Kwantlen President David W. Atkinson states: “it is not often you get the opportunity to create a university. We should certainly make the most of it” (Morton, 2008, p. D10) tempered by his acknowledgment that “this will present a unique set of challenges given our history” (D.W. Atkinson, personal communication, September 15, 2008). In part he is referring to Kwantlen’s particular historical and multilayered character that reflects the merging of a long-standing community college narrative with that of a more recently introduced university narrative. Dennison (2006) points out the
difficulty of the challenges for the new regional universities in British Columbia, even when some of them had the designation of university colleges, for the very reason that the institutions attempted to span two different traditions. Dennison (2006) explicates this tension with the identification of key divergent practices among universities and community colleges and university colleges including accreditation, academic rank and tenure, governance, and administrative and faculty credentials.

**Reconfiguring Internal Governance**

In this thesis I focus on the internal governance systems associated with Kwantlen’s different mandates as defined through provincial legislation in 2008 and in 1996, governance configurations that orient it to the past as a college and as a university college and to the future as a university. “There is no single and generally accepted definition of governance; it has been variously discussed in terms of structures, legal relationships, authority patterns, rights and responsibilities, and decision-making processes” (Birnbaum, 1989, p. 4). It is the term given to the structures and processes that academic institutions invent to achieve an effective balance between the claims of two different, but equally valid, systems for organizational control and influence. One system, based on legal authority, is the basis for the role of trustees and administration; the other system, based on professional authority, justifies the role of the faculty. (Birnbaum, 2003, p. 2)

I will use the concept of governance in a very broad way to refer to the “explicit and, occasionally, implicit arrangements by which authority and responsibility for making decisions concerning the institution are allocated to the various parties who participate in it” (Kaplan, 2004, p. 165).
Governance structures and the authority to establish universities originate from a fundamental legal source that exercises its authority by forming, through statute, an institution as a legal entity (Tighe, 2003; Birnbaum, 1989). For example, under the College and Institute Act (1996), the act that outlined the mandate for Kwantlen as a college and as a university college, the distribution of power relating to the authority and responsibility for decision-making was “closely regulated by the governments that created them “ (Dennison, 2006, p. 108). Much of the authority and responsibility for both financial and academic decisions was under the ultimate control of a largely government-appointed lay board of governors. Within this context, government introduced discourses regarding what they deemed to be important academic direction(s) for certain public post-secondary educational institutions. When this occurred, through mechanisms such as targeted funding and new program approval or the withholding of such approval, the discourses became important internal motivators and justifications for aligning an institution’s mission, vision, academic plan, and financial priorities with government interests. Public post-secondary educational institutions reflected public policy in both subtle and blunt ways.

Governmental incursions most often occurred at Kwantlen, as a college and as a university college, without the benefit of open, dialogical conversation within the broader academic academy. In other words, public spaces in which to have discussion and debate on issues that may impact academic and research programs and goals were not consistently available for most who worked at and/or studied at Kwantlen. Those forums that were available were sometimes occluded and submerged both by the hierarchical and hegemonic nature of the institution in “which much of the process for determining goals
and deciding on how to achieve them occurred in the senior levels of administration” (Birnbaum, 1989, p. 113) and by the faculty union who often spoke on behalf of all faculty as if they are one undifferentiated group of scholars. In addition, the traditional forums for faculty representation in academic-decision making (American Association of University Professors, 2001; Independent Study Group on University Governance (ISGUG), 1993; Duff and Berdahl, 1966) were shallowly rooted in a unicameral model of governance.

These practices, constraining habits and cultural traditions are not unusual for colleges that “both by legislation and practice are distinctly unicameral, with boards of governors clearly assigned all decision-making powers that are then delegated to a president. Academic bodies are delegated recommendation powers only” (Marshall & Fisher, 2006). This manner of governing is in sharp contrast to what Hartley (2003) asserts when he contends: “a central tenet of “good” college or university governance is that all key constituents ought to be able to have some say in institutional decision-making” (Hartley, 2003, p. 2). Amongst the rationale Hartley offers for his assertion is that

Colleges and universities have an established…division of labour. Each group has distinct responsibilities, areas of expertise and/or perspectives. Given these disparate roles, different constituents will bring multiple perspectives to the decision-making process. For larger institutional issues, governance requires that all constituencies participate in decision-making. (Hartley, 2003, p. 2)

This characteristic of “overlapping spheres of power and influence” (Kerr, 1973, p. xvi) is reflected in the University Amendment Act (2008), under which Kwantlen’s
mandate is now defined, including a bicameral governance structure with two senior
governing bodies or chambers who share the authority over decisions regarding the new
university: a board of governors which has fiduciary, legal, and financial responsibility;
and a senate which directs academic affairs.

In some instances, jurisdiction overlaps between the board of governors and the
senate, when neither body has the authority to act without the approval or involvement of
the other governing body. This reflects an “…understanding that some areas of decision-
making require joint endeavour and that others are essentially separate jurisdictions in
which one constituent has primary, but not exclusive responsibility” (Mortimer &
McConnell, 1979, p. 6). Eckel (2000) reinforces this assertion when he notes that not all
decisions fall neatly into the domain of one group; decisions can seldom be made in
isolation since they cut across the dualism of the co-governing chambers and therefore
must be weighed and balanced together.

The practice of bicameral governance is typical of the decision-making character
of universities; this in large measure distinguishes them from other organizations in
industrial sectors (Kaplan, 2004). This unique dualism, consisting of two structures
existing in parallel, underscores fundamental values of the organization “…embracing the
notion that power, governance and decision-making are shared tasks and responsibilities”
(Kaplan, 2004, p. 166) if a university is to preserve its responsibility to critique, “…to
augment and to transmit all the knowledge and all the creative capacity that is available
and possible” (Reid, 1964, p. 25).
The Role of University Senates

University senates are generally considered to be the organizational structure through which faculty exercise their role in governance at the institutional level (ISGUG, 1993; American Association for Higher Education, 1967; Duff & Berdahl, 1966). Within this model of governance, “faculty have significant authority in the decision areas where they claim the greatest expertise and tend to demand that their voice be pre-eminent: the curriculum, degree requirements, faculty appointments and promotions, and determining arrangements of shared governance” (Kaplan, 2004, p. 205). These examples are traditionally thought to be the domains of academic faculty. This unique form of governance in universities “in which the faculty, a body of scholars…have autonomous authority over educational matters has grown out of the customs and practices of English, German, and other Continental universities” (Corson, 1960, p. 46), reflecting roots in academic tradition established as far back as twelfth century Europe (Rosser, 2003; Gregor & Jasmin, 1992). These traditions arise from the acknowledgement that faculty, that is, “a body of scholars who by vocation and training are exceptionally qualified” (Morton, 1964, p. 47), underpin the purposes of a university: “the acquisition of knowledge in the mission of research, the transmission of knowledge in the mission of teaching, and the application of knowledge in the mission of public service” (Sanders, 1973, p. 58). The faculty’s professional judgment and competence are therefore required to ensure that the ends a university strives for are pursued.

Given the respective competencies and strengths of the faculty, universities do not lend themselves to a strongly corporate, hierarchical, top-down method of governance common in business or governmental enterprises (Baldrige et al, 1977; Corson, 1960).
University practices rest on historical underpinnings of shared authority; bicameral governance of higher education is therefore a complex phenomenon in which neither governing body ranks supreme.

The dilemma is resolved only by the development of circularities of responsibility, where various bodies and functions…have their own areas of preeminent responsibility and are thereby made conscious of the necessary ambiguities of residual power relationships. In such circumstances, mutual dependence becomes clear and there are motivations to seek not power but consent. (Bailey, 1973, p. 135-136)

With the implementation of a reconfigured internal governance system at Kwantlen, questions arise as to which constituent groups and deeply entrenched social forces within the new university may be challenged and potentially reconfigured. The outcome of this reconfiguration will result in a proportionate alteration in the powers between a board of governors, an administration, a faculty union, and a new senate. Each of these bodies will have to adjust some area of responsibility, control, and expectation if the new university is to work through a set of delicate understandings that nurture and sustain the co-equal branches in a bicameral governance system. I intend to focus on this fundamental reconfiguration of internal governance within an institution where the academic community did not share authority with a board of governors, where administration centralized decision-making, and where the faculty union followed an industrial style labour-management model.

I am using “university senate” in its broadest sense to include not only the senate itself, but also its related faculties and standing and special committees that assist it in
fulfilling its mandate. The problem I am therefore addressing is not strictly the legal concern of invoking the establishment of a different internal governance system through mandating a bicameral governance model in a new university. Although legislation constitutes and reconstitutes an institution through law, it is how we understand and negotiate the structures and processes that the law has ordained that determine who we actually become. Too easily the issues associated with the establishment of a new internal governance system can be transposed into legal, administrative, and/or organizational terms and processes alone, thwarting the more complex and difficult issues rooted in representation, empowerment, authority, and responsibility, with accompanying questions of difference and identity, inclusion and exclusion. Central is the question of who has the right to enter into the newly constituted public space of a university senate to address issues and make decisions with some claim to legitimacy: “To serve as a senator is a means of conferring status” (Birnbaum, 1989, p. 430) as well as providing “legitimate organizational roles” (Birnbaum, 1989, p. 431) for the articulation of interests and decision-making regarding academic issues and policy direction. How questions such as these are answered has the potential to position and reposition people within Kwantlen in ways that either leave them as “heirs to pre-existing meanings” (Levinson, 1997, p. 22) reflective of the past or as “particular kinds of people” (Levinson, 1997, p. 13) with the capacity to take on critical roles to advance a new university’s responsibilities to preserve transmit, and promote knowledge.

**The Current Problematic**

The importance of addressing the legal, administrative, and organizational components of establishing a bicameral governance system--and in particular the role of a
university senate as “...a public sphere for open, respectful discourse in support of diverse intellectual practices” (Fleming, 2008, p. 13)—is timely because the challenge of constituting university senates is occurring not only at Kwantlen but also at four other new universities in British Columbia, two new universities in Alberta, and a number of new universities in Ontario, all emerging from college traditions.

In amending the University Act, to include new teaching-intensive universities, the British Columbia government also introduced Transition Legislation to give government power to monitor and direct the transition of the new universities. Such oversight assumes that government can simply mandate a new governance system without giving consideration to the intricacies of relationships, conflicts and competitions that the introduction of such an approach creates. Then President David W. Atkinson expresses this concern in a newsletter to the internal Kwantlen community when he writes

Such a change will needless to say, have an impact on the functioning of the Board of Governors and special efforts must be made to ensure that the two bodies do not become solitudes. Equally the case will be the impact of a Senate on university-faculty, university-staff relations. Kwantlen has functioned for most of its history with a labour-management relationship typical of Canadian Colleges. With the introduction of the collegial decision-making process associated with a Senate considerable authority will pass to faculty and staff through the University Senate. (Atkinson, 2008a, p. 4)

Thus, in practice, be(com)ing a university is not an event as the University Amendment Act suggests. Such an interpretation depicts legislation as a terminus as
opposed to a start, a beginning, a reconfiguration birth and rebirth suggest is possible. Duryea (1973) shares much the same sentiment when he makes the assertion that “…complex institutions such as universities do not appear full-blown at a particular point in time. They evolve” (Duryea, 1973, p. 3). Whitehead reinforces this view when he writes “…establishing at once and in vacuo, something like the skeleton of a complete “university” system, with all its parts harmonious on paper; which will be about as sensible and hopeful an undertaking as the attempt to produce an oak tree by constructing it instead of planting the acorn and letting it grow” (Whitehead, 1973, p. 167).

I argue in this thesis that be(com)ing a university involves the creation, nurturance, and sustenance of public spaces such as that of a university senate so that those within a new university can begin to work together in new ways that can shape and change the course of a university’s future. Such changes will encounter tensions as they take place under conditions of plurality with its “…inevitable messiness” (Mackler, 2002, p. 2), a result of “…associations…form(ing) and re-form(ing) themselves, changing the character of the public sphere as they do” (Bohman, 1997, p. 74).

I also argue that a university senate and its faculty councils representing individual faculty and their disciplines, as well as standing and special committees, offer potential public spaces where individuals, with distinct interests and ontological views, may congregate, debate, recommend, and decide on matters important to an academic community. Unlike “mere employees, [university senators] actively engage in academic oversight, planning and decision making concerning the overall direction of the university” (Finsen, 2002, p. 62) and in doing so help to ensure the infusion of professional considerations into decisions that affect it. The argument for shared authority,
based on faculty expertise and professionalism, is given strong support by those writing on university government (Hamilton & Gaff, 2009; Mortimer & Sathre, 2007; Tierney, 2004; Levin, 2000; Ramo & Gallop, 1997; Baldridge, 1971).

My aim is to problematize the notion of the public space as it relates to the role of a university senate within the context of a new university created from an institution with a history of unicameral governance with strong bureaucratic and union traditions. In particular, I will focus on a senate as a forum for the free articulation of divergent and distinct interests (Birnbaum, 1989), a forum in which deliberation over education policy in a broad context can occur (Tierney, 1983), and a setting in which all who have substantial interest in a decision may have their views heard about it and that all who have competence to make the decision, and who must take responsibility for it, have a chance, directly or through their representatives to participate in making the decision. (Carnegie Commission on Higher Education, 1973, p. 79)

This problematic is a concern especially since many scholars have argued that university senates have failed to achieve true faculty participation in broader university matters and the focus in governance has been more on management and less on collegial processes in making academic decisions (Harman & Treadgold, 2007; Dunderstadt, 2004; Kaplan, 2004; Waugh, 2003; Jones, Shanahan & Gowan, 2002; Baldridge, 1982; Millet, 1978; Ben-David, 1972; McConnell & Mortimer, 1971; Liberman, 1969). Indeed, some contend that “…the complexity of university-wide governance issues has outstripped the senate’s capabilities for effective participation” (Tighe, 2003, p. 72) and that corporatization of higher education encourages poor faculty citizenship which, in turn,
strengthens corporatization and cripples democratic governance. In negotiating tensions between a university’s democratic functions, built on a strong tradition of consensual governance that underpins legitimacy, and its public accountability functions most often captured in efficiency and effectiveness discourses, there is little help from research. Writers on higher education often contend that university senates are sound in principle but flawed in practice; rarely explored is how the demands of legitimacy and effectiveness inextricably penetrate each other not only at the level of senate functioning, but also a senate’s relationship with a board of governors. In particular, while a senate’s democratic functions are recognized by many, these responsibilities are not always related to the need to create, nurture and sustain spaces for public dialogue in which “…substantive ends need to be justified in public debate in which others can challenge premises and conclusions” (Stack et. al, 2006, p. 49). Nor do many of these models offer a conceptual framework that emphasizes the need for private spaces for individuals to develop the dialogical competence and related will to participate in more agonistic public spaces. Too often, senates are preoccupied with bureaucratic matters that impede spontaneous action.

**Entering the Problematic Through a Different Framework**

In order to address the problematic of changing from a unicameral model of governance to a bicameral model in a new university, my thesis will employ a framework based on Hannah Arendt’s ideas of public, private, and social spaces that I outline in Chapter Two. I use this scaffold to address how we think about the “explicit and, occasionally, implicit arrangements by which authority and responsibility for making decisions …[regarding a university]…are allocated to the various parties who participate
in it” (Kaplan, 2004, p. 165). Although Arendt wrote little that formally addresses education, her exploration of public, private, and social spaces helps to conceive relationships among boards of governors, senates, and university administrations in university governance that aims to be democratic. In particular, her exploration of the demise of the public space--and with it the opportunity to guarantee equal right to express opinions, and questions in order to participate in decisions--will help to nurture and sustain a nascent senate at a new university. Furthermore, her exploration of the demise of the public space because of the ascendancy of the social space provides a lens that can suggest ways to confront the increasing dominance of bureaucratic discourses in university structures and practices that often hinder democratic governance.

I use the term democracy as Barber and Watson (1988) do when they took on the difficult task of conveying democracy on film: “For most people, democracy means government for, by, and of the people – government by free and equal individuals” (Barber & Watson, 1988, p. 87). I will focus this broad definition in several ways. First, democracy consists of two components: the ability to knowledgably engage in dialogue regarding the various views, alternatives, and choices that are part and parcel of a democracy; and second, sharing a sense of community and interdependence with people “…who do not necessarily share our values or agree with our beliefs” (Osborne, 2008, p. 31). I will pay attention to the structures and processes that support people developing the skills of argumentation and participation as well as being active in order to become “…a transformative democratic political force” (Kellner, 2000, p. 277) within a plural community where people “…often come from very different perspectives on the world” (Coulter & Wiens, 2008, p. 16).
Arendt offers an understanding of the public space both as a common world and a space of appearance, each of which may assist in understanding the role of senators in addressing important issues. Further, Arendt’s notion of the public has many of the characteristics that university senates are noted for, or should be noted for: Arendt’s public is characterized not by similarity amongst members (Calhoun & McGowan, 1997) but by plurality and distinctiveness, by the simultaneous presence of innumerable perspectives in which the common world presents itself. This notion of the public space mirrors individual faculties, each bringing different ontological views of the world to conversations about education and research.

In contrast, attention to what Arendt calls the social space may contribute to a better understanding of the levelling forces within a bureaucracy that supports classification of people into categories so that individual identities are lost through normalization and conformity (Benhabib, 2000). A critique of the social space will also assist in addressing Arendt’s concerns about how the social destroys public and the private spaces (Arendt, 1958) through its metamorphosis into a space “…in which bureaucracy, the “rule by nobody” emerges and unfolds” (Benhabib, 2000, p. 23). The differentiation of public and social spaces is also important in the exploration of the particular problematic I am investigating since the natural political form that corresponds to the social space according to Arendt is not democracy, but bureaucracy (Carnovan, 1992).

Given the history of Kwantlen and the lack of consistent opportunity for faculty to participate in decision-making regarding the governance of both a faculty and a senate, Arendt’s notion of the private space becomes especially important. In Arendt’s private
people can prepare to appear in the public through building capacity to take on new roles, including being able to enter a more agonistic arena and offer persuasive arguments. The private space’s interdependence with the public space will also be an important consideration as more formal public spaces must be supported by less formal private spaces to “…contain and carry the large flow of ideas that must be subjected to some form of translation” (Considine, 2006, p. 261) prior to entering the public space.

In Chapter Three I focus on a review of select historical narratives shaping governance in universities. In particular, I trace the idea of a university as a formal institution of higher learning and research from medieval times, as well as comment on the parallelism between the Christian West and institutions of higher learning in Islam, since this history underpins current university structures and governance processes. I will then briefly review how these governance processes were adapted in the United States since they have greatly influenced higher education in Canada and address concerns about how managerialism has increasingly suppressed the collegial will of faculty leading to concerns about the effectiveness of university senates. I then examine how Kwantlen Polytechnic University tries to form its identity as a new university, distinct from its previous character as a community college with unicameral governance, centralized decision-making and adversarial labour-management relationships.

In Chapter Four I use the resources assembled in Chapters Two and Three to write about how Kwantlen established the preconditions for establishing a senate that meets Arendt’s criteria as a public space. Using public information, including minutes of meetings, newsletters, newspaper reports and similar documents as well as my own personal correspondence, I describe how both public and private settings, as Arendt
defines them, were established. I explain how direct and representative democracy was addressed using parliamentary procedure. Given my unique role as Vice President Academic during the first two years of the Senate’s functioning I also examine how certain bodies, in particular the Kwantlen Faculty Association and the Board of Governors, were affected and how they, in turn, impacted the Senate’s assumption of authority and responsibility over academic matters. I aim to show how structures, processes and relationships were and are being shaped and reshaped as Kwantlen Polytechnic University redistributes power. I note, however, that the examples chosen reflect my personal choices in shaping the problematic in a particular manner, thereby also introducing an important limitation of my study.

I will end my thesis by asking whether select Arendtian concepts provide a framework robust enough to assist in the exploration of the problematic of creating bicameral governance structures and processes within a nascent university with a history of unicameral governance. I am hopeful that focusing on the role of a senate as a public space may be useful for others faced with or initiating a change in internal governance that diffuses decision-making authority so that faculty have significant and meaningful input into a university’s future. Finally, at a personal level, I will draw on many of Arendt’s concepts in arguing that the public space of a university senate provides a means of realizing democratic legitimacy by providing a forum in which multiple and often conflicting voices can share perspectives that trouble unexamined narratives and their impact on people who share a common world.
CHAPTER TWO: BICAMERAL GOVERNANCE AND THE NEED FOR PUBLIC SPACE

In addressing my hypothesis that university senates can serve as a public space in which people can address academic issues that impact the common good of a university I will problematize the notion of the public space, in relation to a bicameral model of governance in Chapter Two. In Canada, bicameral governance was introduced first into Ontario in the early 1900s and soon adopted throughout Canada as the most appropriate model to ensure the quasi-independence of universities. This acceptance was largely based on a *Royal Commission on the University of Toronto* (1906), commonly referred to as the *Flavelle Commission*. The Commission investigated concerns that the Ontario government was using the University of Toronto “…as a forum for petty patronage, coupled with a lack of clarity regarding the formal relationship between elected officials and institutional leaders” (Jones & Skolnik, 1997, p. 248) and recommended the establishment of a governance model based on “divided control” (*Royal Commission on the University of Toronto*, 1906, p. xxiii) “…as a response to demands for external accountability within the context of reaffirming the importance of institutional autonomy” (Jones & Skolnik, 1997, p. 279). An underlying rationale for a bicameral governance model is that limiting arbitrary power of any one chamber helps to ensure not only the independence of a university from obtrusive external interference while recognizing its interdependence with “…a vast and intricate network of relationships to other major institutions in the society” (Bok, 1982, p. 7), but also the tradition that the faculty should have authority over academic matters. Others who have written on well balanced
governance systems agree that power is best divided to help ensure “...the evil effect produced upon the mind of any holder of power, whether an individual or an assembly, by the consciousness of having only themselves to consult...easily become despotic...that neither of them may be exposed to the corrupting influence of undivided power” (Mill, 1975, p. 336).

While this Commission tried to address accountability and legitimacy issues, once a shared governance system was implemented internal tensions became apparent. Duff and Berdahl (1966) and the Independent Study Group on University Governance (ISGUG) (1993)--sponsored by the Canadian Association of University Teachers (CAUT)--both recommended a bicameral model of governance for universities in Canada as the most appropriate structure to protect the integrity of higher education and to keep it relatively free from exploitation and corruption. At the same time, however, both reports posited that the unrest in university governance that they were asked to address was not due to problems with the governance model. Rather, both reports stressed implementation problems, especially around the role faculty have in sharing authority and responsibility for university decisions. Despite a number of recommendations being made and implemented as a result of both reports, unrest persists.

In attempting to address this dissatisfaction there remains a conceptual vagueness about the complex relationship between a university’s external accountability concerns and its legitimacy obligations, the latter largely addressed by democratic structures and procedures, so as to advance “the preservation, dissemination...examination, (as well as)...the search for new knowledge” (Bok, 1982, p. 1). In problematizing this relationship, the research and literature on governance in higher education largely focuses on
“different organizational frames or analytical lenses” (Jones, 2002) including a bureaucratic frame (Stroup, 1966), a collegial frame (Goodman, 1962; Millet, 1978; Hardy, 1996), a political frame (Baldrige, 1971), a professional frame (Mintzberg, 1979), a corporate/managerial frame (Reed, Meek & Jones, 2002), and organized anarchy (Cohen & March, 1974) to name a few. Although recognition of the co-existence of different approaches to understanding bicameral governance is evident (Downey, 1995) there is a paucity of both research and literature on the interplay between the different logics associated with each body or chamber, boundary issues, and duelling claims that can collide to undermine a bicameral governance system.

There is little argument that in a bicameral model of governance--wherein a board and a senate co-share responsibility for the governance of a university--there are compelling differences that can be seen as natural antagonisms between a board’s focus on efficiency, effectiveness, and accountability to the broad public and a senate’s focus on collegial governance by people who are given equal status through structures and processes. To attempt to address this problematic through such lenses of a university as a bureaucracy (Stroup, 1966), a collegium (Millet, 1962; Hardy, 1966), or a political system (Baldrige, 1971), for example, does not sufficiently trouble the complex decision-making character of universities using a bicameral model of governance. The downside in not better understanding the tension between core academic activities of knowledge creation, preservation, and transmission and external accountability imperatives is the confusion and conflation of the two – and the subsequent undermining of both. This concern certainly is evident in the many claims that universities have become more corporate in nature with business practices usurping the more democratic
concerns that have served faculty from medieval times through collegial governance structures and processes (Lohmann, 2004; Gieysztor, 1992; Verger, 1992; Kaul, 1988; Perkins, 1973). This claim has led to accusations of the erosion of a university senate’s deliberative functions in order to improve accountability and efficiency—but neglecting the fundamental purposes of universities.

I will use Chapter Two to make more explicit the tensions created by two equally valid imperatives in organizing control and influence in a university by introducing a framework based on Hannah Arendt’s notion of public, private, and social spaces that anchors the different but necessary roles of each body in a bicameral model of governance. I am hopeful that such an approach may help others better appreciate the relationship between the roles of governing bodies in a nascent university.

The Decline of Public and Private Spaces and the Rise of the Social Space

I begin my exploration of the tensions between a senate’s role in addressing legitimacy concerns through collective discussion in open public spaces on academic matters of common interest and the rise of rational-legal authority by first introducing Hannah Arendt’s notion of an entity she calls the social space. Arendt argues that the creation of such a space, through the merging of public and private spaces, marginalizes the ability of people to come together regarding common concerns that require joint decision and action. An understanding of the influence the social space can have on a university senate is important if a senate is to serve as a forum in which senators debate, discuss, and reach agreements (or have comprehensible disagreements) regarding issues of academic importance.
Hannah Arendt (1908-1975), a philosopher by education, was a political theorist by necessity in her attempts to understand the overwhelming political events emerging in Europe in the 1920s, in particular totalitarianism. She developed the idea of the social as a space that binds people together, squeezing autonomy, initiative and independent judgment out of each and creating one mass, one voice, one opinion. This came about, from her perspective, when the concerns of the private space—normally reserved for economic activities and “their associated problems and organizational devices” (Arendt, 1958, p. 38)—assumed public significance as “a collective concern” (Arendt, 1958, p. 33), eroding the true public space in which people take on “the burden of jurisdiction, defense and administration of public affairs” (Arendt, 1958, p. 41). In shifting the responsibility for privatistic concerns out of the private space and into the public space a hybrid space is created. This new space reduces the public space in which one must attend to common responsibilities by considering the interests of others in addition to one’s own. It simultaneously marginalizes the private space as a “reliable hiding place from the common public world” (Arendt, 1958, p. 71) in which to rethink issues one encounters in the public space and in doing so be better prepared to voice one’s stance on these issues and take the necessary actions related to such judgments on re-entering the public space.

In displacing both public and private spaces in favour of economic exchange activities, for the sole satisfaction of personal needs and interests, human beings become absorbed in consumption and no longer take responsibility for the political world in which they find themselves, in effect, giving up their capacity to “think what we are doing” (Arendt, 1958, p. 5). In its stead, they substitute national housekeeping through bureaucratic structures and processes, believing such measures can deal with
responsibility concerns. This focus on economic matters gradually swamps all other considerations, thereby displacing the political where “plural citizens concern themselves with the public world that lies between them” (Carnovan, 1992, p. 120) and for which they are collectively responsible.

A bureaucratic organization, created partly by economic concerns entering the public space and requiring a means of centralized administration, can normalize and dominate individuals in attempts to cater to collective demands understood as “one opinion and one interest” (Arendt, 1958, p. 39). This aspect of the social is particularly important for my argument because the political form that corresponds to the social is not democracy but bureaucracy (Carnovan, 1992). Rule by bureaucracy may, in turn, provide insight into the accusations that senates fail to provide full elbowroom for faculty in which to contribute to the formulation of decisions on questions of common interest to the academic community. Such accusations run counter to what De Groff, Neave and Svec posit when they state “the basic principle of democracy as the central value running across different forms of university governance is nowadays accepted as both obvious and necessary” (1998, p. 6).

Bureaucracy, however, is but one of three interrelated mechanisms Arendt, in a sometimes convoluted and not always clear manner, identifies as having advanced the development of the social space. These three mechanisms include conformity, arising out of people being compressed into a monolithic mass of collective impotence through mass society; the growth of a capitalist commodity exchange that binds people together by their private needs of production and consumption in a common economy; and finally “rule by nobody” (Arendt, 1958, p. 40) reflective of bureaucracies as amorphous
organizational structures which prevent individuals from being seen and heard as distinct people, trapping them instead in systems of rules and laws which reinforce obedience and conformity.

I will address each of these dominant themes separately, although in practice they do not exist in isolation, but are intertwined with each other in both direct and indirect ways in replacing public and private spaces with a hybrid, pseudo-public space that “expects from each of its members a certain kind of behaviour, imposing innumerable and various rules, all of which tend to ‘normalize’ its members, to make them behave, to exclude spontaneous action or outstanding achievement” (Arendt, 1958, p. 40). I will give examples from my experience to assist in showing the connections that I have made between Arendt’s thinking on matters that had shattering impact on many people during WWII and the particular problematic of establishing a university senate as a public space. Sometimes these examples will be personal and at other times I will offer them as scenarios put together from varied experiences.

The Social Space – Its Relationship to Conformity

I will begin with Arendt’s notion of conformity: Indeed, my earliest recollections in public post-secondary education as a faculty member are situated in experiences that demanded uniformity. I began my career in British Columbia in the late 1970s as a new faculty member in a community college that had been in existence for ten years. I brought with me considerable experience in acute and community nursing along with a firm footing in professional nursing affairs that had imbued me with a belief in the right of dissent, independent judgment, and the responsibility to act on this judgment. These characteristics had served me well in practice situations where I had taken stances against
more hierarchical authority. For instance, when working as a casual registered nurse at a large hospital while I was doing undergraduate work at the University of British Columbia, I was directed by a nursing supervisor to insert a nasogastric tube into a woman to force-feed her. The patient, housed in a prison ward, was on a hunger strike. I recall challenging this directive offering as rationale the concept of assault as the patient did not want the nasogastric tube inserted, nor could I find evidence on her chart of medical background or orders that may have made me consider this directive. I recall the ensuing conversation as difficult, but not resulting in any action that questioned my competence. In other highly charged situations in an Intensive-Coronary Care Unit where I was charge nurse, I also challenged physicians orders that were not congruent with my knowledge and experience regarding particular clinical situations. These discussions were more difficult, but when I shared my reasons for questioning an order, both physicians and I learned to respect each other’s points of view and to agree on how we could better share these perspectives if confronted by similar situations at another time. I had also served on provincial professional practice committees that dealt with competency issues and understood that critical thinking and making judgments based on knowledge and experience is essential; indeed, a rationale of following orders and procedures without questioning did not meet professional practice standards. These types of experiences had all served to underpin my confidence to think through issues, take a stance, and voice my opinion on why I had taken a particular position.

However, as a new faculty member in a community college in a time when faculty union activity in the college sector was growing in response to perceived threats from government appointed boards, I soon found myself confronted by a strong faculty union
executive urging me to conform to the prescribed stances they were taking on particular issues. When I wanted to debate and discuss these issues in order to better understand the many sidedness of what were for me new questions in my development as a teacher in a new environment, I was essentially told that the faculty union position on these matters had been determined and that, given my novice status, I should accept their counsel on the best course of action for the good of all faculty. There was something insidious, I thought, in complying with this approach without questioning; I believed that both my independence and my identity could be irrevocably lost and replaced by automatism. Indeed, this was hardly an environment conducive to conceptual thought associated with an advanced education environment. I also experienced faculty union meetings not as an arena in which faculty debate and discuss different points of view, but as uncritical subjection to stances presented and accepted without contestation. I resigned from the Faculty Association in protest, while still paying fees and being employed by the College; I had not yet learned that, in order to intervene, I needed to remain in dialogue. In the rashness of youth I recall making the statement that “You can take my money, but I won’t let you take my mind!” I would not recommend such an approach to others as when I decided I indeed had something to say, after getting some experience, I was informed that the faculty union was quite satisfied with taking my money without hearing what was on my mind.

This early experience of being compressed into a cog in a monolithic mass helped me understand Arendt’s social with its concern for conformity. This type of experience followed me as I advanced into decanal and then a vice president academic position. For example, I recall proposing the introduction of faculty teaching awards for excellence in
the early 2000s only to be met by the faculty union advancing the startling thesis that all faculty were equally excellent and that any such awards would therefore be contested using grievance and other labour practices since they fell outside agreed upon evaluation processes. I recall being taken aback by this response: Were faculty really only jobholders, labourers whose services were the same, placing them collectively in the social space? A similar dilemma arose when Kwantlen, as a new university, proposed to establish a Chancellor’s Chair Award to provide multi-year financial support to faculty who are active scholars, who demonstrate excellence in their scholarly field, and who continue to contribute significantly to the advancement in their field of scholarship. The faculty union responded that this proposal would require a negotiated Letter of Understanding, such documents becoming part of a Collective Agreement. While the faculty union identified a number of legitimate issues in the proposal that needed to be addressed, the one issue the new university would not agree to in order to advance the proposal was a Letter of Understanding: Such agreements can be grieved by faculty who are nominated for the award, but not selected by their peers, a grievance that would then be decided by a mediator or arbitrator whose background is labour law and not the academic discipline in question. It was not until the new senate at Kwantlen and its standing committees were established that both of these awards came into effect. An Award for Distinguished Teaching was proposed by the Senate Standing Committee on Tributes and passed unanimously by senators. The new senate also passed the Chancellor’s Chair Award proposal after the concerns raised by the faculty union were addressed and the first recipient of the award was honoured in 2010. In taking actions such as these the University, through its senate, was incrementally taking on the
responsibility for what it deemed to be academic decisions, leaving the administration to work with the faculty union in addressing faculty rights, working conditions, and processes to ensure fairness. I will explore issues such as these in more depth in Chapter Four when I examine how Kwantlen’s Senate in taking increased responsibility for academic decision-making powers is contesting some of what the faculty union believes to be its jurisdiction.

Before examining other mechanisms that advance the social space, marginalizing public and private spaces, I want to share how I became very conscious of structures, processes and practices at Kwantlen that prevented individuals from being seen and heard as distinct people, thereby making, as Arendt puts it, “excellence anonymous” (1958, p. 49). This led me to appreciate that part of the leadership responsibility is to create and use structures and processes to help others engage in debate and to listen to other points of view before reaching a decision in order to avoid replicating my own early experiences. I also learned that such spaces are essential to ensure the link between performance and excellence is not lost in the drive for sameness and conformity.

The Social Space – Its Relationship to the Growth of Commodity Exchange Relations

Conformity is one of three mechanism Hannah Arendt articulates when she came to the conclusion that the authentic meaning of both public and private spaces has been obscured “…by the increasing domination of politics by social concerns” (Carnovan, 1992, p. 115). The second theme that Arendt advances that serves to underpin the social space is the growth of commodity exchange relations in a capitalist economy. Essentially every commodity has a twofold aspect: its use value (any good or service satisfies a need)
and its exchange value (its sale value). The use value is the usefulness of a commodity; in terms of advanced education this can be seen as the knowledge obtained and the subsequent abilities gained to act based on that knowledge. The exchange value of a commodity is the value the knowledge and skills can be exchanged for. In other words, the growth of commodity exchange relations underpins the notion that students buy further education for the knowledge capital that can be sold in the marketplace. In a capitalist society advanced education is closely attached to economic activity: The goal is to gain a livelihood and to produce a surplus—not grow personally.

Although Arendt was not focusing on higher education when she argued that a complex economy of trade, money, and a market system creates a sphere of universal economic survival, these very issues are evident in the market discourse that has acquired resiliency in public higher education. Gumport reinforces this when she asserts, “…from the perspective of higher education as an industry public colleges and universities are increasingly seen as a sector of the economy” (Gumport, 2000, p. 70) in the advancement of economic development, feeding the supply chain with graduates and adding value from research and development. This morphing of advanced education into a form of knowledge capitalism, where the common good is associated with corporate interest, can be seen in the following statements that monetize the value of a post-secondary education: “Advanced Education has always been and will be a cornerstone of (the province’s) economic success” (Ministry of Advanced Education, Revised 2011/12 to 2013/14 Service Plan, Minister’s Statement, 2011, p. 3) and “Post-secondary education is a good return on investment and a college diploma, which has lower upfront costs, offers an even higher return on investment” (TD Special Report, 2011).
In many ways further education has taken on the attributes of the market and been commodified to comply with market principles. It has been my experience, for example, that the dominant preoccupation of many senior administrators in the post-secondary sector is to maximize income and to minimize costs. Terms often associated with business practices form part of this discourse: performance funding, performance indicators, accountability, benchmarking, incentive funding, performance reporting, and performance agreements. Outcomes of such discourse have been enacted, for example, through an accountability framework used to assess the effectiveness of public post-secondary institutions in providing high quality education opportunities relevant to the needs of students and the labour market. Through this accountability framework, funding agreements, legislation, letters of expectation, performance measures and reporting requirements the Ministry ensures institutions are held accountable for their spending as well as being strong stewards of the resources they manage. (Ministry of Advanced Education Service Plan 2012/13-2014/15, p. 6)

The issue with these requirements is not that they are inappropriate, but that the quality of education is tied so tightly to efficiency measures, reinforcing Gumport’s assertion that “the perception of higher education as an industry primarily views colleges and universities as quasi-corporate entities producing a wide range of goods and services in a competitive market place” (Gumport, 2000, p. 71). Quality of education is essentially an academic matter, the expertise needed for effective teaching and research lying almost exclusively in the hands of faculty, and this responsibility if submerged to economic or
efficiency matters may be eroded to the detriment of both of these measurements.

Although higher education has never been free of the market--students have paid fees since times medieval, and universities have always contributed to the economy of surrounding cities--there is a new intimacy between higher education and the market place that has resulted in higher education being increasingly understood as a commodity.

Identifying these points with my problematic is not meant to diminish their importance, nor an institution’s public accountability. Indeed, one cannot avoid the market, but at the same time the intellectual and critical role universities play in society must transcend the consumerism that has colonized the public space and monetized the value of a university education. If such a problematic is not addressed, money and efficiency may gradually come to have too dominant a place in academic decision-making and the verdict of the market will supplant or override the judgment of scholars in skewing a curriculum to align closely with current employment opportunities.

The Social Space – Its Relationship to Bureaucracy and the “Rule by Nobody”

Arendt viewed economic concerns as being essentially private, but when made a priority in the pseudo-public social space, people are united into a mass: Their needs and desires are understood as identical and can be catered to through the establishment of bureaucratic structures and processes that attempt to deal with people “…as though they were members of one enormous family which has only one opinion and one interest” (Arendt, 1958, p. 39). Very close to the time Arendt identified bureaucracy as one of the three mechanisms that underpin the rise of the social space, Max Weber (1947) identified bureaucratic structures and processes as being the most efficient form of organization for managing large numbers of people. Arendt viewed Weberian practical rationality and its
associated demands that “…each participant perceives, pursues, and is responsible for only his particular professional task, uncritically accepting instructions from above, in all other aspects minding his own business” (Pitkin, 1998, p.189) as “rule by nobody” (Arendt, 1958, p. 40). As people become increasingly trapped in systems of rules, policies and procedures that focus on attaining unexamined ends by the most efficient means, they surrender their individuality and with it “opportunities for action (are) missed or denied” (Pitkin, 1998, p. 181), replaced by behaviour. “What distinguished behaviour seems to be that it is thoughtless, mere habit” (Pitkin, 1998, p. 182) that precludes individuals from taking responsibility for their conduct, often justified by the rationale that I was “only following orders” (Pitkin, 1998, p. 194).

These characteristics of behaviour, associated with the abdication of one’s responsibility for actions, brings to mind one incident when I was responsible for a number of registered nurses working in an Intensive-Coronary Care Unit. A gentleman was admitted with chest pain, a probable diagnosis of myocardial infarction or the death or damage (infarction) of part of the muscular substance of the heart (myocardium). In this type of clinical situation, a patient is connected to a heart monitor that displays his or her cardiac or heart rhythm. One such rhythm that is not uncommon when the heart has or is experiencing lack of oxygen is called premature ventricular contractions (PVC’s); these irregular contractions of the bottom part of the heart indicate the potential for further heart damage because the heart is not efficiently pumping oxygenated blood. PVCs, at that time, were most often treated with one of two different types of medications given by intravenous injection. One medication speeds up the heart if it is beating too slowly, allowing these irregular impulses to break through, while the second medication slows
down the heart and calms quivering ventricles. In this particular situation, the nurse assigned to the patient injected the medication that would further slow down the heart. I recall standing at the nursing station looking at the central bank of heart monitors on which I could see all patients’ heart rhythms and watching one patient’s rhythm plummet suddenly. I recall asking, “What did you just inject?” and when told realized that the wrong medication had been given and intervened in the situation. After the patient was stabilized I attempted to understand why the RN has injected the wrong medication, given the patient’s clinical picture. Her answer was “This is the standing order when one sees PVCs.” Her uncritical self-subjection to a standing order meant to cover a particular clinical situation nearly cost a patient his life. This incident remains with me over the years, not so much because an error that could be rectified was made, but because the RN insisted that she had “followed standing orders” and therefore the burden of ambiguity inherent in difficult choices was taken from her shoulders. I have, over time, better appreciated how policy and rules provide the allure of being a comfortable means of exercising a general response to situations rather than exercising one’s judgment, but also allow the deflection of responsibility for making judgments. When this type of behaviour is transposed into universities there is the potential that those who have responsibility to act will also do so at the level Arendt describes as “a conditioned and behaving animal” (Arendt, 1958, p. 45). In such instances, individuality is displaced by compliance to rules and anonymous processes; automatism sets in and we surrender our responsibility, our accountability for actions taken or not taken. This was Hannah Arendt’s main concern when she asserted that individual responsibility must be restored.
Refocusing individuals on their responsibility for their own action (and inaction) also brings to mind an instance in which students’ ability to register at Kwantlen during one fall registration period was impacted by the institution’s technological capability to handle the number of students attempting to access the registration system simultaneously. Deans were in an uproar because they did not know if they should add or drop sections, hire more faculty or rearrange faculty work. The registrar and student service personnel were paralyzed as they were confronted by angry students and parents and could not override the system without grievances that the policy of first come, first served had been ignored. The Information Technology department, confronted with this chaos, was sidestepping its responsibility with a complicated explanation as to how the responsibility did not belong to them, but to the ineffectiveness and inefficiencies of the technology they themselves had recommended and installed. In this instance, conversations regarding how the problem needed to be addressed succeeded in refocusing the discussion, solved the problem and generated dialogue about potential future scenarios. What I observed was changed behaviour: instead of advancing what could not be done, plans were presented for what could be done. To the time of my retirement this practice had become the norm.

All scenarios do not work out this well though. When I was Dean of Health Programs at Kwantlen I served on a provincial committee that was assessing the need for the number and the types of health professionals the province would require in meeting future needs. I presented, on behalf of Deans of Health Programs, the prediction that there was going to be an impending and severe shortage of registered nurses within five to ten years. This prediction was met by feedback from some members of the committee whose
background was not health that nurse educators were a self-interested group aiming to increase our share of the health sector. A proposal to increase the number of seats in programs preparing registered nurses was tabled. I left this committee to become Vice President Academic at Kwantlen, but recall enquiring of those who had made the assertions that if the suggested scenario occurred (as it did) would the committee take responsibility for not supporting the proposal to increase enrolments in nursing programs? There was no answer. As I monitored the situation, from a new position, I noted there was no assumption of responsibility assumed by this committee when health authorities identified a critical shortage of nursing personnel. This responsibility was assumed by the government who worked with Health Programs to address the issue, now compounded by a lack of RNs who could serve as preceptors for students in their final clinical experience prior to graduation. When I reflect back on this scenario through an Arendtian lens I am drawn to the conclusion that individuals can, knowingly or unknowingly, evade responsibility for stances they have taken as a member of a committee, the committee being collective—and anonymous. In addition, I have also learned that decisions made, such as those around the workforce needed to support health care in the province, are essentially disputable and discretionary judgments that end up being caught in a web of other decisions with the result that any given decision “…creates unforeseen consequences, while rarely achieving its intended goal” (Villa, 2000, p. 10).

Arendt’s concerns regarding bureaucratic structures and processes should not however be seen as an outright rejection of their merit. An instrumental model of operation has unique capacities for co-ordination, regulation, and administration on a
large scale, and thus is far better at some tasks than others. In particular, bureaucratic approaches excel in practices involving routine tasks that can be organized with policy and rules set elsewhere. This appears to work well in the business management, human resources, facility, and student service parts of a university where functions such as payroll, accounting, meeting building code requirements, and registering students are very much rule driven; except for rare cases that require individual review, large numbers of individuals can be assured of receiving a pay cheque, auditors can monitor the financial status of an institution, inspectors can sign off on building permits, and students can register in courses and be aware of the time when these are scheduled, where they will be held, and when final exams will be set. In contrast, bureaucratic approaches are “…not favourable to individual energy of mind” (Mill, 1975, p. 234) required in research activities and good teaching is impossible to guarantee through directives. In addition, making overall judgements about policy or the direction a university should take or the values, principles, and goals to which it should commit is poorly served by bureaucratic approaches because these tactics do not support the bringing together of disparate voices into a public space in which common direction can be articulated and clarified from different points of view and common affairs decided.

In summary the social space is a complex composite involving economics moving into the public space out of the private space and conformism replacing the Arendtian notion of action in the public space. In examining my particular problematic I will primarily focus on the social space as “a means of collective impotence” (Pitkin, 1998, p. 199) in exploring how one might reclaim public and private spaces because it is this aspect of the social space that best assists in understanding the senate as a public space.
The social space, used in this manner, refers to a “collectivity of people who, though they are interdependent...behave individually in ways that preclude coordinated action” (Pitkin, 1998, p. 196) and in doing so do not collectively take charge of what they individually are doing. In not acting in concert to address common concerns, alternatives may be missed and possibilities go unrealized. In essence, the “social is the lack of politics where politics could and should be” (Pitkin, 1998, p. 240). With this understanding when people do begin to “take effective charge of the overall resultants of what they are doing, the social ipso facto disappears” (Pitkin, 1998, p. 197). With this understanding, if we create the social space we should also be capable of intentionally changing practices and constraining habits that support its existence. Such attempts to change may, however, encounter organizational structures that impede effective concerted action; the lack of knowledge and skills by whose entering a public space; constraining habits that have become ossified into ways of being; and finally a reluctance on the part of those to whom we have delegated our agency and responsibility to return power to us. In order to better understand how this transformation might be approached I will now discuss public and private spaces that have been merged in the creation of the social space.

**The Importance of Reclaiming Public and Private Spaces**

The lesson I hope to bring forth by using Arendt’s reflections on our common responsibility for the public interest is that we should not abandon the importance of the political aspects of issues by being distracted by their social aspects, such as economic conditions, human welfare, business management, and administrative functions. Political issues, for Arendt, are those that require collective deliberation because they are matters
of common concern and therefore can only be addressed through discussion that attends to the common good. Arendt describes such matters as ones we “cannot figure out with certainty” (Arendt, 1979, p. 317), or by one’s self, or in advance, because there is necessarily more than one interpretation, one point of view. We therefore need to be wary that the underpinnings of the social space—that serve to advance economic development, provide structures and processes for managing large numbers of people and distributing complex tasks to those most able to perform them—are also not adopted as a substitute for spaces of association, the latter serving as the arena in which “citizens act together on questions of public interest,” (Carnovan, 1992, p. 183) “which can only be decided in free discussion with others” (Carnovan, 1992, p. 164). Such spaces underpin democratic governance and in turn provide the legitimacy attached to decisions derived from the consent of the governed.

If we allow the social space to displace “…politics where politics could and should be” (Pitkin, 1998, p. 240) in favour of efficiency, effectiveness, and conformism we will end up being administered but not governed. This will result in the loss of opportunity to secure consideration for the many conflicting opinions regarding common concerns. In essence, the problematic within such a framework, is not one about a certain curriculum or budget, but one of who gets to determine these issues and outcomes and why they get to make these decisions. A bicameral model of governance offers the prospect of submitting “one’s point of view on public matters to the judgement of others” (Benhabib, 2000, p. 202). There is the potential for having one’s mind influenced by other views, even conflicting perspectives, as well as the opportunity to weigh interests outside one’s own and in so doing increase the potential that a “generalizable point of
view can emerge” (Benhabib, 2000, p. 202). “Its benefit is that it is likely to promote the most just results because people aim to persuade one another of the justice and wisdom of their claims and are open to having their opinions and understanding of their interest change in the process” (Young, 2000, p. 6).

This problematic is of particular concern as some new universities are being established coming from strong traditions in which the distribution of authority and responsibility for decision-making was not only closely regulated by external government forces, both directly through operating and capital funding and legislation such as the Degree Authorization Act (2004), but also indirectly through a largely lay board of governors. This intrusive hand of government was superimposed on a style of administration that was more corporate than collegial in its approach to management, coupled with binary positioning of an industrial style labour-management model. In these situations a unicameral model of governance--in which a board did not share authority, administrators consolidated hierarchical power and a faculty union claimed academic authority--resulted in numerous faculty not exercising their capacities for action and judgment by habit and/or inertia. In particular, I recall two statements that demonstrate the culture many faculty may experience as they involve themselves more and more consciously and reflectively in issues the nascent University Senate at Kwantlen may face.

Then Dean of Science, Mathematics and the School of Horticulture, shared:

Faculty are beginning to understand that they have to stand up and be accounted for in relation to making decisions regarding academic issues. It has been taboo, during my time here at least, and both my hands as well as my faculty’s have been slapped by the faculty union informing us that certain issues were ones that
required negotiation and therefore were not open for broader discussion by my faculty. (Dr. B. Carr, personal communication, October 3, 1999)

In a second instance a faculty member, in a public meeting, as the nascent University Senate was being established, stated: “Decision-making is moving from more top down and centralist in character to more democratic, decentralized, grassroots. This will help people across the institution to feel empowered to speak and faculty will start to envisage the type of university they want to build” (Dr. W. Deisman, personal communication, September 18, 2009). These comments reinforce both the potential banisters as well as the potential opportunities that face those in a nascent university senate in taking on their responsibility for decision-making in promoting policy changes concerning academic issues.

In addition to restoring the public space it becomes equally important to ensure that private spaces are also created and protected, thereby allowing “…withdrawal from the public into the sheltered space of a two or three person relationship” (Benhabib, 2000, p. 18). Such spaces provide one “with a center, with a shelter, with a place to unfold capacities, dreams, and memories, to nurture the wounds of the ego” (Benhabib, 2000, p. 213), to reflect upon what is meaningful in our practices and in doing so making us fit to once again appear in the public as autonomous individuals more able to reveal with greater assurance our thoughts in relation to common issues.

In summary, in order to address issues of common concern, such as those a university senate has the authority and responsibility to deal with, we must secure a public space in which people can gather together to exchange their opinions and debate their differences and search for some collective solution to their problems. In such spaces,
people can meet and begin the process of questioning, answering, prodding, and responding to acquire clarity around common issues and act together on these issues. It is insufficient to believe that the mere establishment of a senate will ensure a public space that serves as an arena in which people “…associating and balancing” (Carnovan, 1992, p. 209) their varied interests regarding higher education have the opportunity to express, discuss and decide on common issues and legitimize their decisions by subjecting them to debate by people who have equal status. It would also be neglectful to assume that all those serving on a senate will have the dialogical competence and related will to participate in a heterogeneous and frequently dissensual (Readings, 1996) collection of peers; therefore the opportunity to hone these skills also requires less contentious spaces in which to learn to negotiate with different others and to take one’s place in the common world. I will now turn my attention to a discussion of the public space before I focus on its counterpart, the private space.

The Public Space – Both a Common World and a Space of Appearance

“The term ‘public’ signifies two closely interrelated but not altogether identical phenomena” (Arendt, 1958, p. 50). First, the public space signifies the world in itself, in so far as it is common to all of us and distinguished from our privately owned place in it. It is not, however, the same as the earth that serves as the physical space and environment for life. Instead, Arendt writes that the common world is both the mixture of human affairs occurring among people as well as the human artefacts, institutions, and settings which separate us from nature and which provide us a relatively permanent durable context for our activities. “To live together in the world means essentially that a world of things is between those who have it in common, as a table is located between those who
sit around it; the world, like every in-between, relates and separates men at the same time” (Arendt, 1958, p. 52). What unites people “is that they inhabit the same common world which lies outside and between them, share its common concerns, acknowledge its rules and are committed to its continuance and to achieving a working compromise when they differ” (Carnovan, 1992, p. 227). What separates them is that they do not need to be alike or to think alike in order to live together in a common world. Arendt refers to this as plurality, the human condition of being with others in the world yet unique (Arendt, 1958). Sameness and difference constitute the human condition of plurality. We are all sufficiently alike to be able to understand one another and yet different enough to need to communicate with one another on equal terms.

These characteristics of the public space can be seen, for example, in universities and their senates. The institution itself can act as a framework that lends form and durability to a shared world. A senate functions much like a ring wall: a term originally associated with the Greek *polis*, an arena in which people could appear and express their opinions on public matters and form political judgements. Furthermore, the fine-grained differences that exist across disciplines “…that spring from the contrasting epistemological character of the disciplines” (Barnett, 2005, p. 51) results in individual faculty senators and academic administrators bringing different experiences, different subjectivities, different epistemic fields to any discussion. When these are coupled with those of staff senators, student senators, and a Board of Governor’s representative, different orientations to issues and goals that necessitate common policies and/or approaches have the potential to emerge in the public space of a senate.
Second, the public space signifies a space of appearance that comes into being “whenever men are together in the manner of speech and action” (Arendt, 1958, p. 199). It is through words and deeds that we insert ourselves as acting and speaking beings and in doing so create “a space between the participants which can find its proper location almost any time and anywhere” (Arendt, 1958, p. 198). By inserting ourselves into this space “I appear to others as others appear to me” (Arendt, 1958, p. 198) and in doing so “reveal who we are and what we are capable of” (Benhabib, 2000, p. 107). In essence, in coming together we are connected, but remain individuals. The space of appearance however is always a potential space: It is “actualized only where words and deed have not parted company, where words are not empty and deeds not brutal, where words are not used to veil intentions but to disclose realities, and deeds are not used to violate and destroy but to establish relations and create new realities” (Arendt, 1958, p. 200). Its peculiarity, in contrast to the common world, is that it “does not survive the actuality of the moment which brought it into being, but disappears not only with the dispersal of men…but with the disappearance or arrest of the activities themselves” (Arendt, 1958, p. 199). In essence, dialogical spaces are fleeting and are constructed by individuals around a metaphorical table. Each individual, apart from being an actor and a speaker in the space of appearance is also a witness; “testifying to what takes place from the vantage point of his own irreducibly unique perspective” (Fuss, 1979, p. 165). It is in such a context in which “everything that appears in public can be seen and heard by everybody and has the widest possible publicity” (Arendt, 1958, p. 50) that the accountability responsibilities of a public body such as a university senate might be addressed: Distinct perspectives can be brought forward on common academic issues and senators can
engage with one another, creating the possibility of beginning something new and unforeseen, that is, Arendtian action.

**Speech and Deed – The Arendtian Notion of Action**

When we appear in public our words and deeds will be heard and seen, judged and remembered by others; we not only reveal who we are, but can “take an initiative, to begin…to set something into motion” (Arendt, 1958, p. 177). This capacity to begin something new, to initiate, to interrupt automatic processes, to give birth to the unexpected, is referred to by Arendt as natality. Arendt uses the notion of natality in three distinct ways: “factual natality - birth into the world; political natality – birth into the realm of action; and theoretical natality – birth into the timelessness of thought” (Bowen-Moore, 1989, p. 1). For the purposes of the problematic I am addressing, I will focus on political natality, or birth into the world of action, as its embodiment best relates to the creation of a public space between oneself and others and in doing so its promise is the capacity to give birth as it were to new beginnings and to act favourably for the “sake of the durability and futurity of the world we hold in common” (Bowen-Moore, 1989, p. 2) as opposed for the sake of oneself independent of others. I will also relate how factual natality, the birth of a person into the world, overlaps with political natality as each person by inserting him or herself into the public world has the capacity to introduce a new beginning.

When speech and deed enter the public space they can do so in one of two ways; these differing notions of action can be traced back to Arendt’s two notions of natality (factual natality and political natality) as well as to her two notions of the public space (a space of appearance and a common world). On the one hand, speech and deed can enter
as a “mode of activity in which individuals are able to disclose their unique identities, their distinctive who as against their shared what (D’Entreves, 1994, p. 10). On the other hand, speech and deed can also enter the public space as a “mode of human togetherness in which individuals are able to establish relations of reciprocity and solidarity” (D’Entreves, 1994, p. 10).

When action is used in the first sense its tie is to factual natality and the revelation of who we are in the space of appearance. Action, used in this manner, is often referred to as agonal or heroic action; its goal is “an agonal encounter between actors who strive for recognition and glory” (D’Entreves, 1994, p. 11). This conception of action “allows for the self-actualization of the person, and its norms are the recognition and confirmation of the uniqueness of the self and its capacities by others” (D’Entreves, 1994, p. 85).

Action, used in the second sense, ties better to political natality and the common world. Here action is characterized not so much as the disclosure of the uniqueness of the self but by the sharing of words and deeds, by processes of collective deliberation and decision-making based on mutuality and persuasion and is sometimes referred to as the communicative model of action. When action is conceptualized in terms of a communicative model, the public space is viewed as a “discursive space that arises whenever people act together in concert, establish relationships of equality and solidarity, and engage in processes of collective deliberation mediated by speech and persuasion” (D’Entreves, 1994, p. 153).

Enabling individuals both to express their unique identities and to establish communicative relations with others through speech and deed is the goal of action. Although Arendt separates doing from speech, when she talks of action, she also claims
that “…most deeds are in the form of words” (Benhabib, 2000, p. 199); most political action is transacted in words, “but more fundamentally…in the right words at the right moment, quite apart from the information or communication they may convey” (Arendt, 1958, p. 26). Hence speech and deed are formally distinct, but at times materially the same when speech is the mode in which action is performed.

Whether agonal or communicative in nature, action never moves in a closed circle but gets affected by other people’s words and deeds: “Action acts upon beings that are capable of their own actions…where every reaction becomes a chain reaction and where every process is the cause of new processes that strike out on their own and affect others” (Arendt, 1958, p. 190). Arendt often refers to speech and deed being caught up in uncontrollable and unforeseen ways when they mingle with the acts and words of other people in the web of relationships; or the “…invisible, gossamer-like ties, networks and contexts of human relationships” (Benhabib, 2000, p. 112). It is for this reason that “…action almost never achieves its purpose” (Arendt, 1958, p. 184). This explanation helps us understand how the unexpected may occur when we insert ourselves into the public space. There is joy when we see a result as favourable and peril when we cannot determine the end in advance. When we do choose to act, Arendt posits, “…it is the nature of beginning that something new is started which cannot be expected from whatever may have happened before. This character of startling unexpectedness is inherent in all beginnings and in all origins” (Arendt, 1958, p. 177-178).

It is into this web “…with its innumerable conflicting wills and intentions” (Arendt, 1958, p. 184) that the entanglement of stories is especially evident when one looks back at one of the five university colleges to first gain access to university status.
Prior to the *Campus 2020* report and the resultant legislative changes to the University Act, Okanagan University College’s (OUC) President took an initiative to have their institution become an independent university. This action became entangled with other actors’ conflicting wills, intentions, and initiatives, who, working in concert, were successful in countering her bid for an independent university. This example shows how deeply frustrating action can be for those inserting themselves into the public space as the President of OUC did. Her bid to start something new was destabilized when she entered the public space, limited by the other people’s capacity for acting in concert (Arendt’s notion of power) and for exerting influence on the government of the day. The result was the creation of a University of British Columbia-Okanagan Campus. As Arendt so aptly put it we are “…never safe from the disruptive initiatives of further actors” (Arendt, 1958, p. xix) when we enter the public space.

Action’s unpredictability is thus fundamentally grounded in natality, that is, the capacity to set things in motion in situations where others have the same capacity to act; the outcome of action is therefore beyond the control of the individual who initiates action. In essence, when action is associated with the notion of natality in the political sense, what makes a beginning a beginning “is not wholly under one’s control; it is, instead, a matter of the character of the responses and reactions it provokes (or fails to provoke) in you and others…by responding to a constellation of events, circumstances and forces” (Markell, 2006, p. 10). In many ways there will always exist a fund of happenings – of beginnings – to which we might respond if the contexts in which action can occur are not eroded. It is for this reason that institutions, such as universities and their senates, must safeguard the structures and practices that allow “the discursive forms
through which events are distinguished…organized, and presented, the practices of representation and patterns of identification that make some events but not others “our” business” (Markell, 2006, p. 12). At the same time, because action is not only tied to discursive spaces that arise whenever people act together in concert, but also to the display of excellence of political actors, settings such as university senates can also take on a more dramatic element as actors compete for recognition and glory. This oscillation between heroic and a participatory model of action may assist in better understanding select scenarios I will examine in Chapter Four.

**Action as Contrasted with Labour and Work**

When Arendt introduced the notion of action she differentiated it from two other fundamental activities of our being in the world – labour and work. Together the three compose the *vita activa*. In drawing this distinction between labour, work and action Arendt was also contrasting the *vita activa* from the *vita contemplativa* – the life of contemplation. At this point, in order to differentiate action from labour and from work and thus provide a basis for understanding how they support action and relate to public, private, and social spaces I will of necessity give a brief overview of each.

Labour, according to Arendt, is activity geared to maintaining “…the constant care of the body and of the environment in which the body is situated” (Benhabib, 2000, p. 108). Labour is thus chained to the human condition of life itself and to our need for survival. Labour has two meanings: biological necessity and artificial modern necessity (Carnován, 1992). At the biological level we depend on labour to carry out bodily functions to keep the human organism alive; this is supplemented with an “…artificial counterpart…I imposed by pseudo-natural processes of society within which we are all
engaged in making a living” (Carnovan, 1992, p. 127). An element of labour is therefore present in all human activities, insofar as they are undertaken as routine jobs. For example, many activities that are ongoing and repetitive in nature are required to keep a university senate functioning and a university operating smoothly. Without labour meetings would not be scheduled, rooms booked, payroll rolled out, students registered, snow shovelled. Labour, if evaluated, would be judged by its ability not only to keep us alive, but how well it caters to our biological needs of consumption and reproduction—and how well it satisfies the repetitive activities required to keep an institution, such as a university, functioning. In carrying out these functions labour underpins the potential for people to come together to deliberate on issues of common concern without wondering if coffee will be served, doors opened to the room in which they will meet, agendas and background information provided, and enough chairs to sit provided.

Work, in contrast, according to Arendt is equivalent to “the work of our hands” (Arendt, 1958, p. 136) and can be seen in the product left behind that “forms a durable addition to the human artifice” (Arendt, 1958, p. 138). Whereas labour’s product is constantly consumed, necessitating its unceasing repetition, work begins with the need for an object with “a definite beginning and a definite, predictable end” (Arendt, 1958, p. 143). Work, in being guided by utility, production, and transformation of the human environment, “is judged in terms of suitability and usefulness for the desired end, and for nothing else” (Arendt, 1958, p. 153). Work is indispensable to action as it gives the world a stability and solidarity that provides the freedom to move freely about and attend to issues outside of worrying about the stability of a building we enter or the chair we sit on.
If these requirements are met we can than more easily focus on learning, teaching, research and/or the complex issues facing a university.

When the products of work and labour are not in place, one can experience what I did while attending meetings, under the auspices of the Labour Management Committee at Kwantlen, a committee established through collective bargaining and whose mandate is to discuss and resolve contractual and non-contractual issues of mutual concern to faculty and management and to serve as an appeal body for specific university policies, procedures, or decisions not covered by the Collective Agreement (Kwantlen Faculty Association Constitution, 2011). I recall issues such as the lack of synchronized clocks on one campus taking up the better part of an hour of discussion—along with the state of cleanliness of bathrooms, lay-off procedures, pension buy backs, and concerns about lockers in the trades building being too small for students to store their tools and steel toed boots. There is no doubt each of these issues requires attention. What I want to emphasize is that issues such as these did not involve contested ends that required debate: the ends were clear; the means were at issue. In other words, these examples do not deal with dilemmas such as whether a program should be discontinued, a new program started, the number of hours needed to meet the learning outcomes of a course determined, or what priority should be given to possible institutional collaborations. These examples, from my point of view, were not the type of issues that one would subject to negotiation, but require full-scale public discussion of the salient points by a range of academics in order to be supported at least by a significant part of those within the institution. The absence of such democratic and pluralist discussions can raise important concerns about whether the right ends or purposes are being pursued.
Summative Comments on Labour, Work, and Action

Let me, at the risk of repetition, summarize the key features of labour, work, and action in order to emphasize actions relationship not only to public and private spaces, but also to how these spaces relate to the creation and sustenance of a university senate. First, labour, work, and action are not neat typologies into which different instances of human activity can be sorted. They are more schematic representations of particular aspects of human existence that Arendt terms the vita activa. Arendt’s intent when differentiating labour, work, and action is to better understand how public and private spaces had lost their borders and had merged creating the social space. Labour refers to activity geared to the maintenance of life and therefore is cyclical and repetitive in nature: Labour leaves nothing lasting behind it, producing for the purposes of consumption and its products disappear rapidly through consumption or decay. Work, on the other hand, generates lasting products that are not for consumption but for use: The products of work have a relative durability that provides us with a tangible layer of existence. Arendt refers to the things of the world that work produces as located “as a table is located between those who sit around it; the world like every in-between, relates and separates men at the same time” (Arendt, 1958, p. 52).

Given this interpretation, neither labour nor work is a good model for politics, a form of public life in which we actively participate in the various forums, including university senates, where decisions regarding our community, country, and/or institution are made. If labour substitutes for action, “only private activities are displayed in the open” (Arendt, 1958, p. 134) and “we would no longer live in a world at all, but simply be driven by a process in whose ever-recurring cycles things appear and disappear,
manifest themselves and vanish, never to last long enough to surround the life process in their midst” (Arendt, 1958, p. 134). One result of labour entering the public space is that governance structures and processes become preoccupied with what Arendt calls housekeeping duties. This has certainly been one accusation made against senates. In contrast, when work substitutes for action, governance structures and processes become focused on utility. For example, degree programs characterized by their intense capital and/or space needs, because of the nature of their curriculum, invariably have to argue for their place within a university’s offerings and are often sidelined because of budget considerations. In addition, substituting work for action often confuses means and ends: When applied to dealings between plural persons, people often become the means—or human resources—to accomplish institutional ends. For example, in introducing term appointments for academic administrators, some of the new universities implemented the policy as personnel retired or were open to moving in this direction, while other institutions unilaterally changed the terms of employment and leaving individual academic administrators with a sense of being expendable commodities. In essence, these people became the means to reach a certain end for an institution. What is important to reflect on, in instances such as this one, is whether the particular situation justifies the means: Both the way we achieve an end as well as the end itself involve ethical considerations.

Before ending this chapter by considering the private space I want once more to highlight the purposes of the public space. First, the public space is a space where people live with others (a common world); it is a shared space much like a table is a shared space that brings us together yet separates us. Second, it is also a space of appearance in which
our distinctiveness is manifested amongst a plurality of others. Finally, the public space is also the arena in which we have to give an account of our actions, are open to criticism and challenge, cannot rely on authority in order to have our arguments deemed the better argument and because of these functions serves as the source of legitimacy.

The Private Space

When Arendt writes about the recovery of the public space from the influence of the incursion of the social space she is also addressing “…the parallel reconstruction of the private sphere as well” (Benhabib, 2000, p. 211), since it is this space that is the starting point for all public action. By providing a space in which the necessities of life are provided and in which one is shielded and protected from the immediate demands of the world, a child is able to grow and mature, not only in their physical development, but also in the development of so many of the virtues and capacities needed for effective participation in the public space. Used in this way, the private space shields, protects, and nurtures an individual, sustaining what is unique in each person and is closely associated with factual natality. However, when the private space serves as an island of freedom away from the interactions and judgements that occur in the public space it is more closely related to political natality. Without such a sanctuary we lose the space in which we can replenish our resources, nourish those qualities that sustain and support us, and integrate and reflect in preparation for willing ourselves to re-enter the public space. We are therefore less likely, without this safe place, to withstand what Arendt terms the relentless light of publicity associated with the public space in which everything said and done is seen and heard by everyone else.
The private space is thus the space in which we not only attend to our basic survival needs, but also the space in which we forge and nurture our individuality and sustain the sense of who we are as individuals. The private space is the space in which we also find temporary respite from the pressures of the public space, try on new roles, and nurture understandings that will assist us in coming to a judgement or making a decision regarding the common world. The public and private spaces are therefore highly interactive and more porous in nature often being a function of scale and involves considerations such as the number and plurality of other actors, the publicity possible when we speak and act, and distinctions between things that should be hidden and those that require exposure. In essence, public and private are never pure phenomena, but rest on the relative openness and collectivity associated with a particular space. They are, in other words, not clearly bordered, but a way of being with people in more or less public and private spaces.

As an example, I recall as Vice President Academic having to defend a proposal to cancel a technology program at Kwantlen. The public space I entered was packed for the regular meeting of the Board of Governors. In attendance were the program’s faculty, program graduates, employers, parents, and the dean responsible for the program. It was hot; many in the audience had to stand, there was tension is the air that grew over the ninety minutes in which the Board of Governors, without a clear decision of support or lack of support regarding the proposal from the Education Council, struggled with their decision. As the main spokesperson addressing the rationale for the proposal I faced intelligent questions asked by a largely lay board of governors in order to assist them in coming to a decision. I recall on leaving the meeting that I immediately returned to the
more private space of my office to talk with the dean responsible for the program: We both needed some respite from the pressures of implementing a decision that would impact a number of faculty members. Returning home, I found sanctuary in my garden—a space that often served to replenish the inner resources required to return to work the next day.

In other instances, I recall spending time in other vice president’s offices discussing issues that were on the Board of Governor’s agenda and would likely be hotly contested and debated. These discussions, in the more private space of an office, gave us a modicum of safety in exploring what the better argument might be, bolstering us in standing up to the pressures we may encounter when we entered the public space of a board meeting. This staging area, in providing a sanctuary from the tentacles of the public space, helped us in forming more coherent, mutually supportive, and defensible positions that we could take into a public meeting.

The experience of a protected space, in which to discuss issues and concerns facing us in the public space is, however, not always available. I recall as Dean of Health Programs meeting with Ministry representatives in Victoria who were housed in cubicles as offices: They often signalled me that some topics should not be brought up in this setting. We frequently retreated to the grounds of St. Ann’s Academy, a space in which a candid exchange of opinion could occur prior to official positions being declared in a more public domain.

The private space also serves as the space in which we can retreat to nurture the wounds of an ego bruised in the more agonistic public space. I recall quite vividly, even to this day, how those inexperienced in the harsher public space can be wounded. For
example, shortly after I assumed the position of Vice President Academic, the Kwantlen University College Board of Governors had to decide on a proposal put forward by the Education Council to raise the pre-requisite grade for entry into first year English courses. The English faculty had been rebuked once by the Board in advancing their proposal, many Board members believing that the proposal went against the open door mission they so valued of the then University College. In reconsidering the proposal, the Board had asked for substantive data to allow them to better assess this proposed change. The Chair of the Education Council elected to make the presentation supported by a talented but inexperienced research officer. The Board had done their homework and found several flaws in the research presented. Being of strong mind, and having substantial experience in difficult business situations, some Board members subjected the research officer to a barrage of questions, challenging not only the data but also her abilities as a researcher. One could see her anxiety increasing and her critical thinking capacity decreasing under pressure. The Board sent the proposal back to be re-thought. The research officer was in tears, visibly shaken and demoralized from her first appearance in a highly contested public space.

When this issue was again placed on the Board of Governors agenda I recommended to the Chair of the Education Council, who was newly elected, that given my position I would be willing to present the re-worked data, explain the recommendations and respond to any challenges. The research officer agreed to this approach, thankful to be in a supportive role rather than a central role, given the Board’s last response to the proposal. I had come to understand that both the Chair of the Education Council and the research officer required more gradual exposure to criticism,
questions, and challenges in spaces that were less confrontational before being tasked with the responsibility of presenting highly contested issues in public settings. The Board of Governors, after much deliberation, did support the proposal. I learned from this experience not to place people in circumstances where they are not yet prepared to disrupt dominant discourses and withstand the critical scrutiny inherent in difficult choices. In addition, I became more thoughtful in ensuring there were multiple staging areas and opportunities for people to develop the skill sets and confidence needed to advance a reasoned analysis and defend one’s argument publically. I also became more sensitive to the need for boundaries and rules of engagement in public arenas and that there is a special obligation not to humiliate others and undermine their confidence as points of view are exchanged. Finally, I took away with me that one of the responsibilities of those in leadership positions is not only to model how to disagree with others respectfully, but also to support the worthiness of each participant’s contribution. I will address these points in more detail in Chapter Four.

The aforementioned are the positive aspects of the private space. Arendt, however, explains that the private space does not always nurture the intimate, meet domestic needs, and support individuality (Arendt, 1958). The private space is not known for equality of individuals on any consistent basis and can also be a place of subjection and violence. In my experience, for example, too often private spaces become arenas where brutish behaviour is possible: Away from the light of the more public space, where a broad spectrum of individuals can give feedback to an individual, bullying is more frequent and agonal exchange sometimes loses civility. In another example, in-camera sessions as part of senate meetings at some of the new universities, draw attention to a potential misuse of
private spaces. In-camera sessions are generally required for matters that require confidentiality including: discussions about civil or criminal proceedings; human resource issues pertaining to compensation or benefits; personal health information related to an individual; reports about financial situations that may have material effects on an institution’s well being; concerns about behaviour of an unethical or unlawful nature; security, acquisition, sale, lease or exchange of property; and discussions about relationships or transactions with other entities or persons where the information may compromise the relationship of the institution with them or the institution’s relationship with its stakeholders. Given the issues a senate normally deals with one can only surmise that the purpose of these in-camera sessions, at some of the new universities, is to deal with sensitive issues that have been deemed to need some protection from the more intense scrutiny of a public senate meeting. There indeed may be reasons to have some discussions in a more private space if matters are at a formative stage and facts have not been extracted from opinion and opinion from hearsay and therefore understandings are not robust enough to withstand the critical scrutiny of others in a public setting. The downside of preventing undue harm by discussing matters in a more private space is that in-camera meetings can protect senators not only from the scrutiny of such opinions, but also keep the public out of a meeting and keep hidden issues that potentially may impact them.

In closing this Chapter I want to emphasize that public spaces and private spaces have a complex interdependency in the restoration of a healthy pluralism in which people are willing to re-engage and take responsibility for their common world. In addition, we need to better understand the skill sets and ways of interacting that better help in creating
the public versus controlling the public as the latter is the emergence of the social space and with it rulership not governance ensues.

**Drawing Parallels Between Action, Public, Private, and Social Spaces and a Bicameral Governance System**

The exploration of public, private, and social spaces are particularly important as they help problematize the relationship between boards of governors, university senates, and university administration. In making connections between public, private, and social spaces and the responsibilities of boards of governors, senates and university administration, I want to emphasize that all three bodies overlap not only in their concerns for efficiency and legitimacy that underpin the quasi independence of a university, but also in the spaces in which these various functions are carried out as well as the associated activities of labour, work, and action. For example, boards of governors tend to carry out their legislative functions through operating more or less in the social space, since this is the space tied to their responsibilities for corporate oversight (*University Amendment Act*, 2008). These corporate responsibilities are translated, most often, into agenda items such as asset protection, facilities condition and activities, investment and financial reports and design, construction, and landscape plans and reports. The activities of labour and especially work best underpin the data and background reports boards of governors need to assess whether or not they are meeting their legislative responsibilities in these areas. Facility condition and activities are supported by the continuous and routine activity geared to the maintenance of buildings and grounds, exemplifying the Arendtian notion of labour. In carrying out these functions, labour underpins the potential for building and walkway cleanliness, for the functioning
of heating and air conditioning systems, for clocks showing the accurate time, and for
doors to buildings and classrooms being open for classes to meet. Reports on progress
regarding construction of new or refurbishment of existing buildings, in contrast, assist
boards of governors in determining accountability for funds expended, the end being
defined in advance and concluding when a refurbishment is complete or a building
erected, exemplifying the Arendtian notion of work as product left behind that “forms a
durable addition to the human artifice” (Arendt, 1958, p. 138).

In contrast, resource allocation decisions, also a responsibility of boards of
governors (University Amendment Act, 2008), do not neatly reside in the social space or
in the activities of labour and work. Although largely cyclical in nature, an institution’s
budget preparation and review involves value decisions that impact an entire university
and as such require discussion and debate in a public space. These decisions, given their
value base, if debated within a means-ends instrumental rationality associated with work,
may give priority to the most cost-effective programs, skewing an institution’s
educational offerings. What I want to emphasize is not that a board of governors neglect
its financial stewardship of an institution, but that such occur in a public space, their
implementation being funnelled into the social space once decisions have been made.

Administrative functions also operate in both the social space and the public space.
Their association with the social space is displayed, for example, in clearly drawn
reporting lines of authority and communication represented in an organizational chart.
For example, if one reviews the University of British Columbia as an example of a
bureaucratic structure based on specialization the Vice President Finance, Resources and
Operations has a number of positions reporting to him/her including Associate Vice
President Campus Planning, Treasurer, Director of Community Service, Chief Risk Officer, Comptroller, Director of Infrastructure Development, and Director of Public Operations. In turn, each of these positions of authority has reporting structures and defined positions reporting to them. The activities of labour and work underpin many of the responsibilities associated with these positions, guided as they often are by law, accounting standards and building code standards. In contrast, the Vice President Academic, from my point of view, functions much more in both social and public spaces: Decisions made by the Board of Governors and the Senate, for example, are often assigned to this office for implementation and as such enter the social space where procedure and practice are developed to carry out the political decision. In addition, academic issues usually have had the benefit of more public discussion and debate in deans and faculty meetings prior to arriving as an item on a Board of Governors or a Senate agenda. In addition, it is often this debate and associated background material that serves as the raw input for Board and Senate deliberations. The Vice President Academic also serves as a senator (University Amendment Act, 2008), thus is able to participate in public debate and discussion, bringing not only a personal perspective, but also a perspective informed by the position and its responsibilities.

A university senate also functions in the social space in carrying out some of its more bureaucratic obligations such as the approval of graduates, reviewing by–laws of faculties, making decisions about departmental name changes, and receiving reports of its standing committees. It also functions in the public space when it serves as a forum for senators to debate issues that are often controversial and involve value judgements. For example, Kwantlen’s nascent University Senate is faced with the issue of making a
decision regarding academic rank and advancement, its Academic Planning and Priorities Standing Committee struggles with development of policy regarding how to prioritize the implementation of multiple approved degrees waiting in the wings for their turn, and the entire Senate needs to debate the proposed mission and vision statements. These types of discussions need to balance perspectives from different points of view and consider what is possible. Such conversations about the public good should not be transformed into discussions about the public’s business. These types of questions should not, in other words, be transformed from responsibility issues into accountability issues. Once converted into rules and regulations or measures that can be added, multiplied, divided or subtracted, one is relieved of judgement and the social has leechoed into the public. This was Hannah Arendt’s main worry.

University senates also institutionalize a public space by providing a protected space for people to come together to talk, think critically, and act on their capacities for judgement and responsibility. Only in such a public space can plural persons jointly “…exercise the human capacity to think what we are doing and take charge of the history in which we are all constantly engaged” (Benhabib, 2000, p. 145). This notion of the public space underpins Arendt’s concern that with the “withering away of the public realm” (Arendt, 1958, p. 60) there is no arena left in which individuals are able to see and talk to one another in public, so that their differences as well as their commonalities can emerge and become the subject of democratic debate. Through such processes of public discussion within a plurality of differently opinioned and situated others that people have the opportunity to move “…from an initial partial, narrow, or self-regarding understanding of issues and problems, to a more comprehensive understanding that takes
the needs and interests of others more thoroughly into account” (Young, 2000, p. 113). At the same time as institutionalizing a public space, senates must guard against the threat of being increasingly administrative: packed agendas can leave little room for debate, senators can “call the question” to close off debate prematurely in the name of efficiency; individual senators can dominate the discussion to achieve their own agenda, forestalling the introduction of other perspectives.

Despite these potential drawbacks university senates can support the right to express one’s thoughts, ideas and opinions, raise questions, dissent, and participate in decisions that have consequences for the world of the university—with the caveat that the public space is not just public in form but in practices that nurture and support people coming together for the common good. Equalization of senators helps to mitigate the claiming of privilege because of position. This notion of equality was reinforced by then President David W. Atkinson when he posited, at the initial meetings of the nascent Senate at Kwantlen Polytechnic, that each senator’s voice is equal and that individual senators have the right to contest others, including their dean and other administrators, regarding positions taken and rationales offered (D.W. Atkinson, personal communication, January 26 2009).

Based on these parallels, one can appreciate, I hope, that using the Arendtian concepts of public, private, and social spaces as well as their related activities of labour, work and action, one can better problematize the relationship between the idea of shared governance and its practice. My burden will be to test this hypothesis in Chapter Four when I analyze some of the accusations made against the ability of senates to effectively carry out their functions with reference to the issues Kwantlen, as a University College
and as a nascent University, has faced and will face as it establishes bicameral governance. Finally, I will examine whether or not the use of select Arendtian concepts also assists in a better appreciation of why--despite a general agreement that a bicameral governance model is the better approach in sustaining universities’ quasi independence--there continues to be dysfunctional tension when efficiency and legitimacy agendas collide in university governance.
CHAPTER THREE: SELECT HISTORICAL NARRATIVES SHAPING UNIVERSITY GOVERNANCE

With the Arendtian concepts of public, private, and social spaces as one potential conceptual framework to help problematize the relationship between the theory of shared governance and its practices, I will use Chapter Three to review select historical narratives shaping governance in universities. In particular, I will trace the idea of a university as a formal, organized institution of higher learning and research from antiquity through to medieval times as it is this history that underpins how government structures and governance processes protect a university as a “…quasi-autonomous institution” (Whitehead, 1973, p. 50) while still addressing its public accountability functions.

I will than briefly review how these government structures and governance processes influenced and were adapted in the United States, paying particular attention to the adoption of a bicameral model of governance that includes a board of governors and a senate as it is this model that influenced higher education governance practices in Canada.

I then outline the shaping of university governance in Canada, paying attention to national commissions that were tasked with addressing external accountability within the context of reaffirming the importance of institutional autonomy and internal accountability supportive of a university’s programs and courses and largely determined by faculty through democratic means. With the above as background I will draw on the Arendtian notions of public and social spaces noting how “the rise of managerialism” (Reed, Meek, & Jones, 2002, p. xxiii) with its rational authoritative approach to decision-
making is increasingly seen as suppressing the collegial will of the faculty leading to a questioning of the effectiveness of senates in serving as the voice of a university on academic matters. I will note how this concern has caused the Canadian Association of University Teachers (CAUT) to alter their position on how to better support the role of academics in a bicameral model of governance.

British Columbia has a distinctive higher education history in Canada. I therefore review the history of governance in colleges and university colleges in British Columbia since it is the structures and practices associated with unicameral models of governance--wherein a lay board has final authority over all matters and the style of administration is more corporate than collegial--that challenges the fundamental reconfiguration of internal governance in select new universities in British Columbia. I will draw attention to the paucity of a broad and systematic body of research on internal governance practices in universities that can potentially give some direction and guidance to a nascent university as it establishes new traditions and practices in the sharing of governance responsibilities with a board of governors.

I will end the chapter by drawing together how these select historical narratives create the interactive linkages between a university’s legitimacy functions and its accountability functions and how select Arendtian concepts can be used in better understanding the tension between democratic spaces for shared decision-making and responsibility and select social forces that challenge this approach to university governance. This will serve as a basis for a more direct discussion of the problematic of reconfiguring governance in a nascent university in Chapter Four, with a focus on the creation, nurturance, and sustenance of a university senate.
The Idea of a University as a Formal Institution of Higher Learning

The idea of a university as a formal, organized institution of higher learning and research is posited by many scholars to be a medieval innovation (Kerr, 2001; Ruegg, 1992; Duryea, 1973) which contrasts, “to the extent that its origins can be identified…to the Greeks” (Kerr, 2001, p. 7) including Plato’s Academy, Aristotle’s Lyceum, the Sophists, and the Pythagoreas schools (Kerr, 2001; Duryea, 1973). For example, in retracing this assertion there is support that Socrates “…in his question-and-answer method of conversing about serious matters (although) particularly appropriate to the conduct of philosophy in the agora” (Nails, 1995, p. 31) was not a formal school in the sense of a formal curriculum and the attainment of a degree credential. After Socrates’ execution, however, Plato (c 427-347) founded a more formal school in about 347 BCE, the Academy, wherein philosophy could be pursued and advanced by those judged capable of rigorous study. This study, accompanied by written dialogues “…that were appropriate in subject matter and methodological sophistication to his students’ and colleagues interests” (Nails, 1995, p. 30), introduced more formality in the pursuit of higher learning.

Nevertheless, the organizational form of the university, in terms of organizing foreign students into nations and masters (teachers) into faculties and colleges, and of ensuring the universal validity of the qualification for teaching, and of the title of the baccalarius cannot be traced to antiquity, but to other medieval institutions. In particular, individual universitates, originally founded by a concurrence of able men who had something they wished to teach and students who desired to learn “…with few norms and no organizational structure in place” (Lohmann, 2004, p. 73), were the first forms of cooperative associations whose purpose was higher learning. In general, the original label
applied to medieval universities was *studium* (a place of learning) (Hatton, 1990) and *studia generalia* was used for select schools of higher learning in the arts, medicine, and/or theology. These schools were open to all who chose to go there and study free from the canonical or monastic obligations and from the control of monastary and smaller cathedral schools (de Ridder-Symonens, 1992).

Readers familiar with the history of medieval universities will see some significant parallels between the system of education in the Christian West and that of Islam. Although not the focus of this thesis I draw attention to Makdisi’s work on the *Rise of Colleges: Institutions of Learning in Islam and the West* (Makdisi, 1981) which articulates in detail the systems of education comparing the Christian West’s experience with that of the Muslim East. One is reminded of parallel phenomena in that “Muslim institutionalized education was religious, privately organized, and open to all Muslims who sought it” (Makdisi, 1981, p. 281). Similar to the Christian West, an “individual created his foundation by an act of his own free will, without interference from any authority or power” (Makdisi, 1981, p. 281) and the content of education and its methods were left to the teaching profession itself (Makdisi, 1981). Again, as in the Christian West, “institutionalized learning was not all the learning available. Philosophy…mathematics, medicine and the natural sciences…were sought outside of these institutions, in the homes of scholars, in the hospitals…” (Makdisi, 1981, p. 281).

The early forerunners of the modern university in the Christian West, however, arose largely out of opposition to higher education being under the control of religious organizations (Kaul, 1988), the church dominating all civil powers and entering into the total life of the culture (Duryea, 1973) in Europe during the Middle Ages (c. 1150-1500)
(Scott, 2006). Education, under the purview of the church, served largely as purveyors of ecclesiastical doctrine (Tierney, 2004; Johnson, 2000) until the 12th and 13th centuries when demand for professional clergy rose and bishops formed cathedral schools. Cathedral schools offered a wider curriculum than that in the ordinary preparation of the ecclesiastic. Canon law and the more secular aspects of religious administration, including logic and disputation for use in theological discussion and accounting to more effectively control church finances, were included and formal study and learning became essential to advance in the ecclesiastical hierarchy (Haskins, 1972).

Some of these cathedral schools migrated from smaller towns to larger cities, the two archetypes being Paris and Bologna, to escape the censorship of leading masters by the local clergy as well as tensions between “…foreign students who did not have the same rights and entitlements” (Lohmann, 2004, p. 74) as local citizens and were therefore “…vulnerable to exploitation by the local townspeople” (Lohmann, 2004, p. 74). In their migration these scattered schools of masters and students organized themselves into self-regulating communities, modeled on the medieval guild (Rosser, 2003). These scholastic guilds gradually attained the required degree of autonomy, self-sufficiency, and official recognition to be sanctioned as corporations (Lohmann, 2004) that served as some protection against the religious orders, the king, and the municipal authorities (Rosser, 2003; Kaul, 1988). The corporate features, privileges, statutes, seals, and functions and titles of officials all have a close affinity to contemporary universities of today.

In Paris, the masters (teachers) who had largely driven the battle against external interference of the chancellor, the religious orders, and the townspeople “started determining their own curriculum, ordering and organizing their own teaching and, more
importantly, appointing new members…and issuing licenses to teach” (Kaul, 1988, p. 23). Pope Innocent III, in 1212, and Pope Gregory IX, in 1231, responded to conflicts between the masters and ecclesiastical authorities (Rosser, 2003; Kaul, 1988) by supporting the independence of the new institutions in order to stop the “…migration, boycott, and violence” (Lohmann, 2004, p. 73) that had the potential, in extreme cases, to cause collective emigration of the faculty and their students to other towns. Faculty autonomy was thus established very early in the history of higher education--as were the required protected spaces. These spaces support what Mill describes as the “individual energy of mind” (Mill, 1975, p. 234) required in teaching, research, and learning.

In contrast, in Bologna foreign students of law, who were older, having concluded their liberal arts studies and “…often recruited from very high up in the social scale and sometimes the holders of offices” (Verger, 1992, p. 49), were economically, socially, and politically powerful and took the lead against central interference. As a result, they “…voted on the issues of the day, staffed the administration, set the curriculum, and appointed the faculty” (Lohmann, 2004, p. 75). In structuring themselves into nations according to their places of origin, the Bologna students developed a basic organizational form of the medieval university, these nations later being federated into universities with elected rectors as their head (Verger, 1992).

The resultant institutional structures for governance at Paris and Bologna thus ended up at opposite ends of the governance spectrum (Scott, 2006; Ehrenberg et. al., 2004; Perkins, 1973), Paris eventually becoming the predominant mode as masters migrated taking their history of governance structures and processes with them. A prime example of this migration is when Parisian scholars, after particularly difficult disputes
with local authorities, took up the invitation of Henry II, the English king, and established Oxford and later Cambridge (Kaul, 1988) when masters and students fled Oxford “…following the arrest and execution of a few students, upon the orders of the mayor and the king” (Verger, 1992, p. 53).

To distinguish between universities in the strict sense and all other types of schools existing in the same period (cathedral schools, municipal schools, the studi of the medicant orders, private law schools) I think it important to review the prime differences since schools exclusively answerable to local authorities contrast with the studia generalia in significant ways that underpin the quasi-independence of today’s universities. First, medieval universities, as organized communities of individuals responsible for higher education, were characterized by a degree of independence and internal cohesion fortified by rules and practices for their internal regulation. Second, by means of councils and elected officers either masters (Paris) or students (Bologna) collectively administered the studium and “…abided by common agreements as regards all matters concerning teaching and examinations” (Verger, 1992, p. 52). Finally, distinct faculties, nations, and colleges further supported the collective administration of a studia generale. In the majority of cases these structures were somewhat autonomous units within an institution with their own statutes, their own council, and often their own dean as chairman of the congregation of faculty (Gieysztor, 1992; Verger, 1992). Such structures provided channels for active participation in the university as well as management of the studium generale.

In essence, looked at very broadly, a university’s “…delicate balance of independence and dependence with the society, secular or religious, that created it”
(Perkins, 1973, p. 4) had generally gained historically against the church and against autocratic rulers, establishing important traditions of internal governance as far back as the 12th century Europe. In this way, “as each bitter conflict was resolved, some protective piece of structure fell into place” (Lohmann, 2004, p. 74) and a decentralized process evolved that carved out a safe place for the “…cultivation of the intellect” (Kaul, 1988, p. 98) by protecting the university as a “quasi-autonomous institution” (Whitehead, 1973, p. 50) without abrogating its necessary connection to the state. This quasi independence of universities from obtrusive outside control was further formalized in Europe in 1243, when Pope Innocent IV proclaimed “…each university a free corporation” (Duryea, 1973, p. 17). Makdisi reinforces the importance of a university as a corporation when he identifies the corporation as one of the central factors in why the Christian West was able to forge ahead, while the Islamic East lingered and fell behind (Makdisi, 1981). This conclusion is supported by his assertion that “there is general consensus among jurists that the act of incorporation bestows a more secure form of perpetuity upon the charitable trust so incorporated” (Makdisi, 1981, p. 235). The West emerged from the thirteenth century with two structures that gave its universities and colleges greater flexibility as well as survivability as quasi-autonomous institutions. One of these forms is the corporation; the second is that of the charitable trust, a privately supported foundation based on an endowed trust. In contrast, Islam had only one structure, the waqf or charitable trust leaving it more vulnerable to the vicissitudes of endower and ruler. I will focus on the corporation as “the act of incorporation bestows a more secure form of perpetuity upon the charitable trust so incorporated” (Makdisi, 1981, p. 235).
The University as a Corporation

The term corporation derives from the Latin word corpus or body of people. It is a legal entity, created under law and described in the 18\textsuperscript{th} century by Stewart Kyd, author of the first treatise on corporate law in English as:

A collection of many individuals united into one body, under a special denomination, having perpetual succession under an artificial form, and vested, by policy of the laws with the capacity of acting, in several respects, as an individual, particularly of taking and granting property, of contracting obligations, and of suing and being sued, of enjoying privileges and immunities in common, and of exercising a variety of political rights, more or less extensive, according to the design of the institution, or the powers conferred upon it either at the time of its creation, or at any subsequent period of its existence. (Kyd, 1978, p. 37)

The most important of the privileges that corporate status bestows on an institution is perpetuity in the legal system and autonomy in terms of the recognized right to act as a corporate body in dealing with the outside world. To assist it in exercising this privilege a university, as a corporation, has the right to make statutes regulating its internal organization (Gieystztor, 1992). It does this by using a charter or document that lays out the granting of rights or privileges to establish rules and regulations. This, in effect, constitutes internal governance and was used by the medieval professoriate as a way to hire its members, make its own regulations and enforce them by exercising internal jurisdictional control. “The university was unique in the astonishing combination of structures and norms it developed, allowing its inhabitants to engage in peaceful inquiry and protecting them from the outside world and from each other” (Lohmann,
2004, p. 75). These structures and processes included “…bottom-up governance, representative assemblies, decentralized federalist structures, complex voting procedures, and institutionalized forms of conflict resolution” (Lohmann, 2004, p. 75). In essence, basic principles underpinning democratic government were introduced; prime among these included modes of decision-making in which those impacted by a decision had the opportunity for argumentation and participation within plural communities where others may not necessarily share values and beliefs.

In addition to charters, as universities grew in size, they required competent officers for the management and administration of the *studia generalia* and for dealing with the outside world. These individuals came from outside a university and did not belong to the body of masters and students. Among the first of these external officials were the *nuntii* and *bedellus major*. The nuntii served as a “go-between for (foreign) students and their families, carrying money, goods, and letters” (Gieysztor, 1992, p. 127) while the bedellus major was responsible for the material care of the school (Gieysztor, 1992). Over time *notarius* appeared to record the official acts of a university, write documents and letters and the office of the registrar was instituted along with other officials who served as legal assessors and solicitors to look after a *studium’s* legal affairs and property (Gieysztor, 1992).

**The University during the Renaissance & the Age of Enlightenment**

In the Renaissance, the organizational pattern for European universities remained much the same as in the Middle Ages, the major difference being the rise of the nation-state as “a legal structure, developed under the monarchies of the seventeenth and eighteenth centuries, the essence of which was to guarantee legal rights to the inhabitants
of a particular territory and to stand for their common interests” (Carnovan, 1992, p. 32). With the rise of the nation-state the authority of the Church became diluted (Kaul, 1988) and the nation-state displaced it as charting authority for universities (Gieysztor, 1992; Perkins, 1973). Control of higher education thus moved into the civic arena and was confirmed as basic law (Kaul, 1988), the state assuming more of a central role in regulating and controlling universities (Neave & Van Vught, 1994). This shift in the balance of power introduced civic authorities’ supervision of universities although it did not abolish their quasi-independence.

In the late 1600’s the Enlightenment (c. 1680 to 1800) ushered in an age of critical questioning (Kaul, 1988) and a university became a place in which to critically examine contemporary politics and society. It is these combined historical underpinnings that helped create the framework for the governance practices in newly established universities in America.

**The Adaptation of European and British Models of University Governance in the United States**

When the first colonial colleges were established in the United States they were founded as colleges from the first half of the seventeenth century to the second half of the eighteenth century. They were colleges in that they were established as charitable foundations (e.g., Harvard, William & Mary, Yale, Princeton, Columbia). They were also given a high degree of protection against unwelcome interventions through their dual status as corporations. These early colonial college-universities continued the governance structures and processes of their medieval and English precedents in which “…the tradition that the faculty, a body of scholars, should have autonomous authority over
educational matters” (Corson, 1960, p. 46). This explains, at least in part, the
“…uniformity of these organizations into faculties as well as the courses of study”
(Reugg, 1992, p. 31) that differ in minor aspects only from the medieval and English
institutions of higher learning.

The Introduction of Boards of Governors

One significant difference, however, was introduced into the governance model of
universities in the American colonies: Governing in tandem with a president and teaching
fellows was an external supervisory board composed of members external to a university
representing the broader public interest (Rosser, 2003; Corson, 1975; Duryea, 1973;
Brubacher & Rudy, 1968). This practice is thought to have come to America
“…travelling perhaps via the Calvinist connections of the colonial colleges, to the
American colonies” (Hatton, 1990, p. 56) as well as the “…separation of church and state
since many of the early colleges were started by religious groups” (Carnegie Commission,
1973, p. 6). This led to the establishment of a more “…democratic and pluralistic system
with many centers of power” (Carnegie Commission, 1979, p. 6) reflective of federal,
state, and local governance structures and processes being established in the new United
States of America. The external body oversaw policy formation and the allocation of
financial resources while the internal board handled the discipline of students and
directed curriculum and instruction (Brubacher & Rudy, 1968).

This practice inaugurated a type of governing system, within universities,
reflective of a balance of power between faculty as a body of scholars and external
stakeholders that would become the American standard for higher education (Rudolph,
1990). Models of distributed power for governance, within universities, is based on an
underlying assumption that there has to be some quasi-independence of institutions where learning might be carried out at the most advanced levels “…from material, economic, social and political interests of society in which the institution was integrated (in order for it) to accomplish the pursuit of knowledge for its own sake, and the preservation and dissemination of knowledge” (Amaral & Magalhaes, 2002, p. 11), while at the same time acknowledging the civic and financial interests of the state in university matters. In many ways in designing a system that would balance power the founders of American universities were addressing the separation of what Arendt calls the public and social spaces, acknowledging their complex interdependence but also their different orientations both thought necessary to support a university’s purpose.

**The Role of a President**

In addition to a lay board, the American university president “…in contrast to the English custom of election by the fellows of the college…was appointed by governing boards” (Duryea, 1973, p. 9) in effect making a president answerable primarily to a lay board (Rosser, 2003) and less so to the faculty, from which they were elected in British institutional arrangements. Public authority was thus introduced in a much more formal and significant manner as an integral component of university governance, described by Dunderstadt as “…trustees-plus-president ‘imperium’” (Dunderstadt, 2004, p. 137). Presidents took on a much more influential role as substantial executive authority was delegated to him by a lay board; such practice being common in corporations from which many lay board members came. This practice introduced a third body into shared governance arrangements which stands to this day and is reflected in legislation that differentiates the authority of a board from the authority of a senate and from presidential
authority. While the problematic I am exploring does not directly focus on the role of a president, it is important to at least appreciate that the person occupying this position moves between achieving “…a balance among academic priorities and values, public accountability and responsibility, and financial, management, and political realities” (Dunderstadt, 2004, p. 152). Situated between the potentially opposing forces of external pressures and internal issues, the university president, unlike most corporate CEOs, has a dual role: A president is both accountable and responsible to a lay board of governors and indirectly through them to government and the public at large while simultaneously is “primus inter pares” or first among equals in championing faculty who value academic freedom and independence.

**University Independence from the State**

The American Revolution, which set the stage for colonies to charter their own institutions of higher education, continued to support the “…tradition that the faculty, a body of scholars, should have autonomous authority over educational matters” (Corson, 1960, p. 46) while continuing with the practice of lay governing boards. This reinforced the concept of both legal authority and expert authority co-existing within a university. This widespread acceptance of shared authority between external bodies and internal university stakeholders, however, met with difficulties at both the level of state control over universities and the faculty role in academic governance. At the level of university independence from the state, the test case in the United States is best exemplified by Dartmouth College. In 1815 Dartmouth, a privately endowed college which was also a corporation challenged the attempt of the State of New Hampshire to amend its charter without the College Board of Trustees consent (Herbst, 1982). Through a Supreme Court
decision (1819), which protects the private charity through federal law, Dartmouth College retained institutional independence from the State of New Hampshire, the Court interpreting Dartmouth’s Charter as a contract binding upon the State under the terms of the Constitution of the United States and any change therefore requiring the approval of both the Legislature and the Board of Trustees. Stewart Kyd, in his Treatise on the law of Corporations in 1793, describes this as “…the king cannot take away liberties before granted by him or his predecessors” (Kyd, 1978, p. 67). As a consequence, the College was not in fact responsible to the State of New Hampshire, but to its governing Board (Rudolph, 1990). The Dartmouth College decision had a profound impact on the evolution of higher education in the United States over the next century (Trow, 2003; Herbst, 1982): “College independence from state control began to spread to public institutions because in some cases the charter was still held by the board…and the state could not interfere” (Rosser, 2003, p. 9). In the nineteenth century it became common practice for legislatures to delegate governing power over state institutions to boards (Duryea, 1973) providing them a high degree of protection against extensive control by external bodies. Lay boards became the distinctive American substitute for the executive and legislative power of state government.

The Role of the Faculty

Widespread acceptance of the faculty role in university governance was not significantly advanced, however, until the late 1950s and 1960s (Tierney, 2004) when the American Association of University Professors (AAUP) working with the American Council on Education (ACE) and the Association of Governing Boards (AGB) published their Joint Statement on Government of Colleges and Universities (American Association
of University Professors, American Council in Education & Association of Governing Boards, 1966). The canonical Statement officially articulates, for the first time, the faculty role in a bicameral governance system and was issued during a period when social and cultural events in the United States led to a desire for discussions about how to make academies more representative along with “demands to democratize the governance process and include students and other disaffected constituencies in traditional senates” (Dill & Helm, 1988, p. 322). The authors of the Statement describing the essential relationship between trustees, a president, and faculty as based on mutual understanding, joint effort and inescapable interdependence laid out two basic principles on what has come to be known as shared governance:

(1) Important areas of action involve at one time or another the initiating capacity and decision-making participation of all the institutional components and (2) difference in the weight of each voice, from one point to the next, should be determined by the reference to the responsibility of each component for the particular matter at hand. (American Association of University Professors, American Council in Education & Association of Governing Boards, 1966, p. 376)

In essence, the Joint Statement recommends appropriately shared authority and cooperative action amongst the constituents of a university on the understanding that some areas of decision-making require joint endeavour while others are essentially separate jurisdictions in which one constituent has primary but not exclusive responsibility. The document relies extensively on a definition of governance that pertains to who shares in decision-making (Tierney, 2004) as well as a call to mutual
understanding and adequate communication (AAUP, ACE & AGB, 1966). This document not only identifies the faculty as having primary responsibility for the fundamental areas of curriculum, instruction, research, faculty status, and the academic aspects of student life, but also articulates the importance of faculty involvement in educational policy more generally, including the setting of institutional objectives, planning, budgeting, and the selection of administrators. In addition, the Joint Statement specifies that the agencies for faculty participation should exist at multiple levels, including a faculty elected senate that deals with the view of the whole faculty (American Association of University Professors, American Council in Education & Association of Governing Boards, 1966).

**Summative Comments**

The idea of a university was thus refined over the course of many centuries and involved multiple confrontations about who has primary decision-making authority over educational and general university matters. The concept of a structure that has both bottom-up processes reflective of the professional competence of faculty and top-down elements reflective of the interests of society emerged as a reconciliation of potentially disparate and conflicting interests. Such balancing underpins the intent of being incorporated under law: “Incorporation confers some benefits on the grantees…it is counterbalanced by some conditions with which it is accompanied” (Kyd, 1978, p. 65).

At the same time as this minuet was playing out in the governance arena universities grew in size and complexity and officials (in this case both academic and non-academic administrators) took on more formalized roles and the rise of managerialism developed. Significant components of a university became much more
like the business sector in terms of organizational structure, methods of operation, and management style (White & Hollingsworth, 1999). In essence, another component of what Arendt alleges supports the introduction and maintenance of the social space had been introduced into universities – bureaucracy with its unique capacities for administration on a large scale gradually eroding the deliberative functions of a university and replacing these with systems of rules, policies and procedures.

In addition, in 1876, more than 200 years after the establishment of Harvard, the German model of “…the deeply specialized research professor who combines research and teaching on a single-based subject” (Lohmann, 2004, p. 76) introduced an additional way of viewing the purposes of a university into America. In essence, research and scientific progress was translated into economic impact on the wider U.S. economy and a market discourse was added to the roles a university plays in society. This discourse remains to this day, displayed in phrases such as “the knowledge economy” and the role universities have in maintaining economic competitiveness. In essence, the Arendtian notion of the social space and its relationship to the growth of commodity exchange relations was introduced and became ensconced within many of the minds of those who oversee universities. It is with these points in mind that I now will reflect on the emergence of governance structures and processes in Canada and in British Columbia in order to set the context for the particular problematic I am exploring.

**The Shaping of University Governance in Canada**

Resembling both European and United States post-secondary educational beginnings, higher education in Canada was first organized under the auspices of religious groups in the seventeenth century and later moved under government authority
in the nineteenth century. Under the British North America Act of 1867, the British legislation that created Canada’s federal system of government, governing power is shared between the provincial and federal levels of government (Shanahan & Jones, 2007). In recognition of regional diversity, Section 93 of the Constitution, places jurisdiction over education under the authority of the various provincial legislatures (Shanahan & Jones, 2007; Dennison, 2006; Jones, 2002; Hardy, 1996). Given the potential for provincial differences based on this legislation, Canadian universities have nonetheless been consistent in creating these public institutions as private-not-for-profit corporations (Amaral, Jones & Karseth, 2002; Jones, 2002). As noted earlier, once created by legislation “…the corporation is autonomous, self-sufficient, and self-renovating, governing itself by means of an internal constitution outlined in a set of perpetual succession” (Hatton, 1990, p. 2). The importance of corporate status was noted earlier in referencing Makdisi’s work on the university as a corporation; such status providing legal rights and a more secure form of perpetuity. I bring this point forward again as I contend that some of the dilemmas facing boards and senates in the new universities in British Columbia arise from faculty, administrators and staff’s experience with unicameral systems of governance in which government can potentially be highly intrusive and lay board members’ experience is grounded in centralized processes of decision-making tied closely to efficiency and effectiveness discourses and a market economy.

In addition to their corporate status the legal foundation for each Canadian university is a unique legislative charter naming the university and describing the institution-level governance arrangement. In most Canadian universities this arrangement
is bicameral, that is, the legislation creates two governing bodies and describes the division of responsibilities and overlap between these two entities. In Canada a bicameral model of governance in which the role of a senate includes articulating a public space of engagement for the purposes of deliberation over educational matters in the broad context has its underpinnings in three Commissions, one focusing on the external accountability of a university within the context of reaffirming the importance of institutional autonomy, and two addressing internal accountability and legitimacy issues that underpins the professional authority of faculty.

**The Flavelle Royal Commission on the University of Toronto (1906)**

The origins of shared governance, in Canadian universities, is frequently traced to Flavelle’s 1906 *Royal Commission on the University of Toronto* (Jones, Shanahan & Goyan, 2002; Jones & Skolnik, 1997; Jones, 1996; Dennison, 1994; Cameron, 1991). The Royal Commission’s political purpose “…was to design and recommend a new university governance structure that would allow the university to run itself and keep the university business out of the provincial legislature” (Boggs, 2007, p. 59). This political concern arose out of the University’s close ties to the will of the Ontario legislature when the secular University of Toronto was created, such ties inviting political involvement if not insertion of the legislature and government representatives into the University’s day-to-day operations and decisions.

The Commission’s recommendations were divided into four initiatives: governance and administration, academics, research and scholarship, and finance (*Royal Commission of the University of Toronto*, 1906). For the purpose of the problematic I am exploring, I will focus on the first two initiatives. First, the Commission recommended
the establishment of a board of governors to act as a buffer between the provincial government and the University. This recommendation reinforced the principle of university autonomy as sacrosanct along with a new balance of public accountability. Secondly, the Commission endorsed the continuation of a senate, already in existence at the University of Toronto, conceding that most of the work for academic planning and decision-making would occur in individual faculty councils, but that all decisions of these councils would be subject to debate and discussion by the larger representative senate whose mandate involves the good of the whole University on academic issues. Finally, the Commission created a position of a strong president, in lieu of the previous tripartite executive of President, Chancellor, and Vice-Chancellor, the latter division giving rise to a lack of direction for the University.

I think it important to note that the Commission’s final recommendations were heavily influenced by Goldwin Smith, a PhD historian and political scientist who had been educated in Britain and taught at Oxford University where he was involved in two commissions regarding modernizing Oxford and Cambridge universities. He joined Cornell University in Ithaca, New York later in his career, attracted by the non-sectarian and openness it provided to all classes of society. He was thus introduced to the American model of bicameral governance, an influence finding its way into the report of the Flavelle Commission; observers drew “parallels between most of the commission’s recommendations and activities in the higher education sector of the United States” (Boggs, 2007, p. 5) at the time.

In summary, the Flavelle Commission of 1906 sought to establish a structure that would provide the University of Toronto with independent governance, reflecting both
the public interest in sound management and respect for academic judgement on academic issues, describing such a governance arrangement as “…divided control” (Royal Commission of the University of Toronto, 1906, p. xxiii). The underlying sentiment in the report was that the University of Toronto was then viewed as “…an arm of the state” (Jones, 2002, p. 216) and that powers of the Crown constituted direct political interference and such actions were not in keeping with the basic principle of university autonomy.

The University of Toronto Act of 1906 made the Commission’s recommendations law and this governance framework provided the template that would influence the creation of legislation in the emerging universities in Western Canada. By the 1950s bicameralism had become the dominant model for university governance in Canadian universities (Faculty Bargaining Service, 2007; Jones, 2002; Jones, Shanahan & Goyan, 2002; Jones, 1997); this was tempered by the general law and often by the charter of an institution.

**The Duff & Berdahl Commission (1966)**

This governance model went largely unchallenged until general unrest overtook university campuses in the 1960s. Universities had expanded into larger and more complex institutions with more of a business model employed to run the day-to-day operations and administration becoming more formalized and separate. As a consequence there emerged “…the rise of managerialism” (Reed, Meek & Jones, 2002, p. xxiii) within increasingly large bureaucracies along with the associated principle of instrumental rationality (Weber, 1947). Rational authority increasingly suppressed collegial will and a pervasive concern developed amongst faculty that the professional’s role in decision-
making was declining in relation to administration and governing boards. Seeing this tension through the lens of Arendtian social space, with its emphasis on bureaucratic structures and processes, assists in understanding how the public space required for collective deliberation was gradually being submerged, and in consequence, faculty were losing their opportunity and capacity to co-govern a university.

In an attempt to address this issue a joint venture of the Canadian Association of University Teachers (CAUT) and the forerunner of the Association of Universities and Colleges of Canada (AUCC), tasked Sir James Duff, former Vice-Chancellor of the University of Durham and a member of several international commissions and enquiries dealing with higher education, and Robert Oliver Berdahl, a young political scientist who would go on to have a long career as a Professor of Education focusing on state and federal politics and on policy in higher education and comparative education, with the examination and evaluation of the present structure and practices of the government of …universities of Canada…[including the investigation of charges that] scholars no longer form or even influence their own policy, [and in consequence]…a new and rapidly growing class of administration is assuming control [so that]…a gulf of misunderstanding and misapprehension is widening between the academic staff and the administrative personnel. (Duff & Berdahl, 1966, p. 3)

In other words, significant fissures had opened up between university faculty, administration, and governing boards; trust issues that serve as a basis for a belief in the honesty, fairness, or benevolence of another in a relationship of inescapable interdependence were jeopardized. These fissures were caused largely by the
juxtaposition of different patterns of authority described as “competing logics” (Amaral, Jones & Karseth, 2002, p. xxiv). One pattern of authority was a board whose backgrounds were largely in the corporate and private sphere where authority and responsibility is not normally shared, but allocated to centralized administration who in turn maximized goal attainment through formal hierarchical authority relationships and whose focus was on institutional efficiency. This contrasts with a faculty’s pattern of authority that values an equality of peers associated with a community of scholars and whose decision-making is more collegial in nature involving discussion and debate prior to coming to a decision.

Duff and Berdahl stressed that a system of bicameral or shared governance, consisting of a lay board and an elected senate, composed almost entirely of members of the faculty and chaired by the president (Duff & Berdahl, 1966), was the most appropriate model in supporting university autonomy: The board represents the interests of the external society and a senate represents the professional expertise of faculty and staff regarding academic issues. Duff and Berdahl also acknowledged that shared governance is not easily divided into fiduciary, legal, and financial responsibilities being under the aegis of a lay board and academic policy and programs being under the autonomous control of a senate; instead they argued that these bodies are “…quite inevitably and quite inextricably linked with each other” (Duff & Berdahl, 1966, p.8). These observations essentially identify the interactive linkages between the Arendtian notion of the public and social spaces. In addition they also acknowledge the repercussions any decision may have on others, resembling in many ways Hannah Arendt’s assertion that action never moves in a closed circle but gets affected by others.
words and deeds when they mingle with the acts and words of others in the web of relationships. Finally, and without working within an Arendtian framework, Duff & Berdahl also indirectly touch on her notion of natality, their observations introducing the concept that decisions are not ends but beginnings as they create conditions for new issues as well as possibilities to emerge.

In acknowledging the interdependence between a board of governors and a senate, Duff and Berdahl also assert that these chambers “…must be brought into much closer contact at many stages” (Duff & Berdahl, 1966, p. 16) and that both governance bodies “…must understand each other better and work together more closely” (Duff & Berdahl, 1966, p. 25). In making these recommendations they were attempting to create the conditions needed for trust to be developed and sustained--and with it some measure of confidence that the other party can be relied upon to keep its promises, bringing some measure of hope or optimism in an unpredictable world. They were also attempting, I contend, to outline how to better address ways of living more productively within the complex decision-making character of a university where different logics sit at the same table and where circularities of responsibilities enmesh both in a complex web where other social forces are also busy creating their own spinnerets into which others are caught.

This report initiated a wave of governance reform across Canadian universities to make institutional governance more democratic by broadening the input base into policy decisions, many universities introducing elected senators, student representatives, and departmental decision-making around common affairs characterized by a kind of equality among participants. In essence, the notion that diverse and/or conflicting interests had a
safe space in which to articulate their points of view on common issues with the potential for co-operative action to be taken was introduced. In addition, the legitimate authority of faculty, staff, and students was expanded in terms of how decisions important to a university should be made and how various interest groups, in institutions with multiple constituents, are accorded a place in decision-making.

**The National Data Base on Faculty Involvement in Governance**

In the early 1990s when another wave of general discontent with university governance began to appear in both the United States and Canada, Miller and Seagren (1993), in what turned out to be the initial *National Data Base on Faculty Involvement in Governance* (NDBFIG) research project in the United States, identified how administrators were increasingly making many decisions faculty viewed as within their authority. This, when combined with a perceived view by faculty that their role was increasingly seen as an example of delegated authority within a bureaucratic organization, resulted not only in an increasing unwillingness of faculty to commit to working on committees, but also gave rise to feelings of resentment, isolation and manipulation. These findings, through an Arendtian lens of the social space, support how the rise of bureaucratic structures and processes, as they assume more organizational space and visibility, isolate individuals, trapping them in rules, procedures and hierarchical structures with the result that they “abdicate their capacity and responsibility to act” (Pitkin, 1998 p. 181). Pitkin, in a critique of Hannah Arendt’s concept of the social space, also identifies a number of ways of dealing with the impact the social has on people that rather shockingly line up with Miller and Seagren’s strategies to help address the issues identified by university faculty in their study on shared governance. It is useful to outline
these symmetries as they help in better appreciating how the Arendtian notions of public, private, and social give another way of entering the thicket of the issues shared governance faces in universities. First, Miller and Seagren identify that organizational improvements are needed to address faculty participation in governance. Pitkin refers to this as the need to address cumulative constraints of organizational structure and large-scale patterns of interpersonal relationships that make effective concerted action almost impossible. Second, Miller and Seagren indicate a need for more development opportunities to increase the quality of faculty participation in the complex issues facing universities while Pitkin refers to this as a “characterological approach” (Pitkin, 1998, p. 253), that is, not knowing how to go about joint action with others. This in turn supports the role of the private space in preparing oneself for joint action in the public space. While Miller and Seagren also call for cultural modifications in relation to beliefs about sharing governance in a university, Pitkin identifies frameworks, concepts, and assumptions that “blind us to our real capacities…[and] keep us from acting effectively together” (Pitkin, 1998, p. 254). Finally, Miller and Seagren call for policy amendments to ensure faculty participate in decision-making while Pitkin approaches this more broadly calling for those who want to regain their voice in the public to engage in concerted action and create arenas in which they can intervene and begin something new.

The Faculty Response: The Canadian Association of University Teachers

During this same period in Canada endemic tensions concerning how two bodies share in governing a university, similar to those described above, were also being identified. Again, a more corporate mind set supporting the growth of a managerial culture that marginalizes the role of faculty in decision-making was recognized as
requiring attention. The Canadian Association of University Teachers (CAUT), one of the original co-sponsors of the Duff and Berdahl report, commissioned an Independent Study Group on University Governance (ISGUG) noting that the idea of shared governance is increasingly seen as “antithetical to constructive, responsible management” (Independent Study Group on University Governance, 1993, p. 5) and that there appeared to be a movement to reconstruct university decision-making processes so that they resembled management models rather than participatory decision-making models.

Like Duff and Berdahl, the ISGUG decided at the end of their review that the flaw was not in the model of bicameral governance, but in its implementation, recognizing several problems, chief among them being: lines of communication between a board and a senate need to be strengthened; senates need to be significantly involved in the budgetary process; faculty should predominate in a senate, but other academic interests need to be represented; and debates of a senate and its standing committees should be open. The ISGUG report also recognized the importance of collective bargaining, recommending faculty associations support senates and that “…the health of the enterprise demands that its important deliberations on academic policy take place within a forum which is perceived as dedicated to the well-being of the entire institution” (ISGUG, 1993, p. 8). In particular, they “…cautioned faculty associations that there are practical limits to the scope of bargaining which cannot and should not reach into academic judgments of the university about curriculum and academic programs except to lay ground rules for the process and accountability” (Canadian Association of University Teachers, 2004, p.6).
The ISGUG report shaped CAUT policy in the 1990s and led to the adoption of a policy statement on university governance. In particular, the policy recognized that a “…university is fully accountable to the public and to the governments that supply the funds for its operation” (CAUT, 1994, p. 67) while reinforcing that “…important decisions in research and teaching can be made only by those with professional competence” (CAUT, 1994, p. 67). Ten years later, CAUT introduced a discussion paper on university governance, *Where We Have Been and Where We Should Go* (CAUT, 2004) which remains supportive of “the key principle, namely, that academic staff must play a decisive role in making education decisions and setting education policy if post-secondary institutions are to fulfill their purposes” (CAUT, 2004, p. 2), but worries whether a senate can operationally implement this principle. Based on this review CAUT recommends reversal of its defense of senate as the voice of faculty and the body that sets academic policy and makes academic decisions, revising its policy statement to read: “Collective bargaining (is) the principle way to ensure collegial governance”(CAUT, 2004, p. 9).

While governance reform processes in Canada predate the rise of faculty unionization and faculty collective bargaining in universities had initially focused on economic issues, this proposal introduces the idea that unions should take on the role of a lateral partner in shared decision-making as opposed to a university senate. This stance, redefining the role of unions in governance matters, is outlined in a statement: “Both the Board and the Senate should operate within the context of procedures and rules set out in legislation constituting the institution and in Collective Agreements negotiated between the institution and its academic staff” (CAUT, 2008, p. 1).
Others do not share CAUT’s position regarding the role of unions in a bicameral governance system (McPhillips, 2008; Ehrenberg, et al., 2004; Downey, 1995; Hardy, 1996; Mortimer & McConnell, 1979; Oberes, 1969). A repeated concern is that a collective agreement affects only one of the constituent elements of a university, the faculty, and could limit a senate’s ability to establish academic policy for the benefit of a university community as a whole. Hardy notes in her research that the “existence of the union further concentrated power in the hands of the central administration. It had formalized relations through the collective agreement and had created a coherent and clearly defined management structure” (Hardy, 1996, p. 155) in which union representatives met with administrative representatives on all matters identified in a collective agreement, effectively side-lining a senate where such matters might be academic in nature. In addition, “this concept suggests limits on the scope of shared governance” (Levin, 2000, p. 87) by introducing the belief fundamental academic principles can be negotiated and trade offs made in exchange for other considerations.

There is also a belief that unions operate on quite different assumptions than senates (Downey, 1995; Kaul, 1988; Baldrige, 1982; Ladd Jr. & Shipset, 1975; Hodgkinson, 1974; Oberes, 1969). One example is that collective bargaining assumes a fundamental conflict of interest between employer and employee. Then Kwantlen President David W. Atkinson emphasizes this when he shares “the adversarial model of collective bargaining should not be used where the model of collegial decision-making should be used” (D.W. Atkinson, personal communication, November 06, 2008), the underlying message being that collegial governance is the cornerstone upon which academic policies are developed and approved.
Summative Comments

In summary, despite regional diversity placing jurisdiction of education under the authority of various provincial legislatures, universities in Canada have been established as private-not-for-profit corporations with charters describing the institutional level of governance arrangements. In most Canadian universities this governance arrangement is bicameral in form and process. This shared model of governing a university reinforces the principle of university autonomy in balance with public accountability. A bicameral model of governance also endorses the role of a senate in academic planning and decision-making. At the same time, while the theory of shared governance is endorsed, its practice generates tensions. These tensions largely result from what are seen as two duelling logics sitting at the same table. The primacy of accountability or legitimacy functions of a university is further complicated by the expansion of bureaucratic structures and processes to cope with increasingly large and complex organizations. In response, the Canadian Association of University Teachers has expanded its mandate from a focus on economic concerns and working conditions to that of a more central role in shared governance.

Within this context, I examine British Columbia’s approach to governance in the public post-secondary education system, since it is this experience, within the broader Canadian context, that impacts select new universities in the province in implementing the sharing of governing responsibilities between a board of governors and a senate. Part of the difficulty I articulate is the ambiguity in the new legislation referring to the teaching-intensive universities that blurs the fundamental principle that a bicameral model of governance rests upon the delegation of authority to the faculty in academic
matters and to the board, most often through administration, in operational matters. I will expand on this ambiguity in Chapter Four to reinforce how the devil in the details can lead to confusion and misunderstandings as efforts are made to achieve a balance between academic priorities and values, public accountabilities and financial management and the political realities of British Columbia.

The British Columbia Experience of Governance in Public Post-Secondary Institutions

While governance within Canadian universities was being recast and then repeatedly challenged, community colleges were established in the early seventies in British Columbia. Some of these institutions would later serve as the basis for several new universities in the province, bringing with them not only a more authoritative tradition of governance in which the role of faculty was more limited (Dennison, 2003), but also the simultaneous intrusion into the limited public space of the voices of the provincial government and a provincial faculty union. These additional influences would further complicate the transition to a bicameral model of governance for those community colleges that were later reborn as universities.

Community Colleges in British Columbia

British Columbia’s community colleges were originally established by regional consortia of school districts and incorporated in the Public Schools Act (Cowin, 2007; Levin 1995; Dennison & Gallagher, 1986). Their purpose was to make post-secondary education more available throughout the province; their mandates were broad including developmental education and career/vocational training as well as university transfer programs consisting of the first two years of traditional university studies (Petch, 1998;
There is strong argument that the impetus for the college system in British Columbia was a 1963 report by John B. Macdonald, then President of the University of British Columbia (UBC). One of the report’s recommendations was the establishment of two-year colleges in order to “overcome barriers to access (be they geographic, financial, social, or academic)” (Dennison, 1995, p. 123). Over the next decade ten colleges were created throughout the province. Vocational schools, which had been operating within the province for years, were amalgamated with the new colleges and evolved into the British Columbia system of colleges and institutes. This was the beginning of mass access to public post-secondary education in British Columbia, which, in turn, led to an increase in the diversity of programs and credentials.

Originally reporting to the Minister of Education, a ministry exercising considerable central control over institutions reporting to it, public community colleges in British Columbia remained largely local institutions until 1977 when they were recognized as provincial institutions in the College and Provincial Institutes Act (Cowin, 2007; Levin, 1995; Dennison & Gallagher, 1986). The new act established college boards as separate legal entities, no longer simply agents of school boards (Cowin, 2007, p. 14). This change was more in keeping with the Macdonald Report’s statement that “the second requirement is self-government of individual institutions in respect to setting objectives, standards, admissions, selection of staff, curricula, personnel policies, administrative structure, and all the other things that go to make up the operation of a college (Macdonald 1963, p. 19).”

This autonomy was impinged, however, according to Dennison, when the Minister responsible for post-secondary education could directly intervene “into policies
respecting programs offered by institutions covered under the act” (Dennison, 2006, p. 24). David Marshall and Robin Fisher further differentiate the differences in governance between colleges and universities when they write: “Colleges both by legislation and practice are distinctly unicameral, with boards of governors clearly assigned all decision-making powers that are then usually delegated to the president. Academic bodies are delegated recommendation powers only (Marshall & Fisher, 2006, p. 8).“

Petch reinforces this when he describes the British Columbia College system as being “…established more along the industrial model of an appointed governing board with a chief executive officer charged with implementing all policies” (Petch, 1998, p. 36) and how this, in turn, discounts “…the professional expertise of faculty members on academic matters and [became] a source of debate and sometimes even conflict which pitted boards against faculty members” (Petch, 1998, p. 36).

During this time period faculty also established more formal arrangements for representing their interests to a college or institute’s administration and board of governors. This was facilitated by a newly established BC Labour Code in the early 1970s, one of its recommendations being that college faculty are employees as defined by the Code. Faculty subsequently organized themselves as trade unions and began bargaining collectively with their employer. Originally more collegial in nature, collective bargaining under the new BC Labour Code introduced a formal process guided by multiple provisions outlining not only collective bargaining procedures, but also the mechanisms for strikes, lockouts, and picketing available if processes did not lead to an agreement. Faculty unions role in the day-to-day operation of colleges and institutes, intentional or not, was further reinforced when the government explicitly included
personnel and labour relations in the College and Institute Act. Over time, local unions formalized themselves into a sector establishing first the College Institute Educators of BC (CIEA), this later morphing into the Federation of Post-Secondary Educators of BC (FPSE). In doing so they also transferred local union dues to the central body’s legal fund for arbitrations, Labour Board complaints, court proceedings and strike and/or lockout funds to support faculty in defending perceived threats to their economic and professional interests. Faculty associations thus gained in responsibility and power during this time and are one of the actor groups impacted when senates were introduced over 30 years later into select institutions.

The Establishment of University Colleges in British Columbia

In 1987, 24 years after Macdonald’s report, British Columbia’s Minister of Advanced Education commissioned a review of the accessibility to and participation in advanced education and job training in the province (Ministry of Advanced Education, 1988). The report revealed that British Columbia ranked ninth among the Canadian provinces with respect to the number of degrees awarded relative to its population. This political issue led to a series of recommendations designed to address access to degree completion. One recommendation was the establishment of university colleges using existing community colleges in lieu of creating new institutions. “In a politically charged environment, and with understandable haste to meet anticipated demands for degree studies, the university colleges became a reality before any extensive consideration of their role within the post-secondary system could occur” (Dennison, 2006, p. 5). While these institutions maintained their original mission that upheld open access, and comprehensive offerings, “they also enlarged their mission to include traditional
university values. Thus, at one and the same time, the university colleges promoted both an egalitarian and a meritocratic institution” (Levin, 2003, p. 449).

Initially, undergraduate degrees from these institutions were “awarded under the aegis of one of the established universities in the province, but ultimately the university colleges were to grant degrees on their own” (Dennison, 1995, p. 135). In 1994 this transition to independent degree-granting status occurred when the College and Institute Act was amended. Four institutions, mentored by the established universities in the province, were given degree-granting autonomy. These include the Okanagan University College (Kelowna), University College of the Caribou (Kamloops), Malaspina University College (Nanaimo) and the University College of the Fraser Valley (Abbotsford). A fifth institution, Kwantlen Community College (Surrey, Delta, Richmond and the Langleys) was also given the designation of a university college and the same autonomy without having gone through a period of mandatory university mentorship. Kwantlen was thereby inserted into already existing narratives of what constitutes quality degree programs in British Columbia and Canada; forging a new social reality thus provided both opportunity as well as frustration for many within the institution.

The opportunity viewed through the Arendtian lens of natality or the capacity to initiate something new, to reconfigure social realities, provided a period of time and space in which debate and discussion took place regarding what constitutes a quality degree program. This was tempered, as noted above, by dominant narratives that Levinson (1997, p 13) describes as “not simply preceding us but constituting us.” She labels this repressive side of positioning in relation to the past as “belatedness”; Kwantlen became heir to pre-existing meanings of what a quality degree program entails while
trying to establish its own distinctive narrative. As Skolnik so aptly phrases it, the “public policy goal of having greater diversity in the types of degree programs will be completely frustrated if all providers of degree programs are expected to reflect exactly the same academic values” (Skolnik, 2006, p. 17). This experience, I contend, gave those within Kwantlen some insight into the paradox of establishing a new reality when they were designated a polytechnic university fourteen years later and had to implement a bicameral system of governance within an institution that was characterized by a unicameral model that only allowed an advisory role for faculty in academic matters (Dennison, 1995). This problem would be further complicated by hiring faculty and administrators who often came with an underpinning in university culture and did not have the personal memory of the paradoxes involved in a reconfiguration of an institution whose historical roots and culture were in a college context. This would at times hamper efforts on “retaining contiguity with the unique values, traditions, practices, and routines” (Fleming, 2007, p. 36) on which the institution was historically constituted while “establishing contiguity with the general values, traditions, practices, and routines” (Fleming 2007, p. 36) associated with more traditional university governance structures and their related processes.

**The establishment of education councils.** The mandate for independence in degree development and granting (College & Institute Act, 1996) was given through legislation to the university colleges; the same legislation also brought fundamental changes in governance. Boards were made broadly representative in a format comparable to universities with the inclusion of faculty, staff, and student members and a legislative role for faculty in institutional governance was instituted through a second body, a
Senate-like education council, with powers similar to, but not identical with, university senates. “While university senates have additional powers and wider representation, the education councils exercise a good deal of authority over academic matters” (Dennison, 2006, p. 20). The composition of the education council is clearly delineated with representation from the student body, from staff, from administration, and a majority from faculty members. The councils were granted both statutory and advisory responsibilities and had exclusive powers respecting curriculum, student admissions and requirements for graduation. It shared powers with the board in specific cases pertaining to the evaluation of curriculum to determine equivalency of courses, programs, or course credit, either within an institution or between other institutions and a college. There was also a requirement for a board to seek the advice of an education council and for an education council to advise the board on the development of education policy in a number of areas that traditionally, within universities, would be the exclusive responsibility of a senate. Examples include qualifications for admission policies, criteria for awarding credentials and proposals about the implementation of courses including the length of or hours for these courses (College & Institute Act, 1996). The powers and duties of the board include management, administration and direction of a college or institute, decisions on courses or programs to be offered or cancelled, and appointment of a president or chief executive officer for an institution (College & Institute Act, 1996). “In effect, this sector now operated under a form of bicameral governance, and as such, became the first in Canada to adopt such a model” (Dennison, 1997, p. 48). Petch notes that the education council model, despite its enhancement of formal participatory decision-making, showed
…great variation in how well the education councils are working at different institutions. This is attributed in part to historical differences such as whether an institution tended to be authoritarian or consultative in approach before the introduction of the education councils and in part to the fact that some have become embroiled in power struggles or union-management issues. (Petch, 1998, p. 56)

**Further times of transition.** Although not central to the problematic of establishing a senate as a public space of engagement, I will briefly recap the next stage(s) in university colleges transition to university status in British Columbia since it is a fundamental component of the changes in higher education in the province. While the university colleges were trying to interpret how the university and community college narratives could contribute to the collective character of a new type of hybrid institution, there was some confusion amongst faculty, communities, and governing boards in university colleges regarding their mandate and the future of this new type of public post-secondary institution. Part of this problem lay in the “lack of specificity in legislative direction which led to years of institutional drift” (Dennison, 2006, p. 6). Taking advantage of this lack of clarity, some of the university colleges envisioned that a separate university would emerge from their university college for their region. These aspirations proved to be a further destabilizing factor not only for the evolution of all five university colleges, but also caught institutions in what Arendt would call a web of relationships in which the established universities saw possible competition for undergraduate and graduate students, faculty, and research grants, while community members joined to further their goal of establishing a new university from their regional
college. As a result Okanagan University College (OUC) became a satellite campus of UBC, while the influence of community members in the Kamloops area encouraged the government to amalgamate the University College of the Caribou (UCC) with the provincial Open University to become Thompson Rivers University (TRU).

The three remaining university colleges, facing an uncertain future, mounted public campaigns claiming that with their broader degree-granting powers and related evolution they were also equivalent to undergraduate universities and sought legislated change. A component of their case, germane to my thesis, is that some university colleges argued for change of status in name only with little or no mention of governance implications. For example, President Triplett in a comment to one newspaper is quoted: “There will be no immediate change, just a “change in people’s perception of Kwantlen. Our mandate will not change at all” (Langley Advance, April 25, 2008). Malaspina University College, on the other hand, recognized the importance of autonomy in assuming university status: The brief they wrote in response to the Campus 2020 report I describe below involved exemption from membership in the college and institute’s provincial bargaining body (Johnston & Kenyon, 2006).

**Campus 2020: Thinking ahead.** At the same time as these three university colleges strived to gain university status the provincial government launched *Campus 2020: Thinking Ahead*, a collaborative planning process to help shape the vision, mission, goals, and objectives of British Columbia’s post-secondary education system for the next ten to twenty years (Plant, 2007). Similar to the report written by John B. Macdonald 25 years earlier the *Campus 2020* initiative was a comprehensive and stakeholder engagement process” (Plant, 2007, p. 3).
The report makes a series of recommendations that assign highly differentiated responsibilities in the core areas of learning and teaching, research, and widening participation to specific institutions. Plant refers to these recommendations as “an effective categorization system or taxonomy of higher education institutions” (Plant, 2007, p. 63). He bases this recommendation on the “fundamental principle that BC cannot have a system in which all institutions aspire equally to undertake all responsibilities” (Plant, 2007, p. 4). The research universities are assigned the priority areas of research and knowledge transfer, both of which tie closely to the government’s challenge of developing a strong economy. In addition, massification or access to education is limited to what these institutions deem to be qualified students to help them in meeting their priority obligations. In contrast, the regionally based institutions are assigned the priorities of access and widening participation, social inclusion, educational progression pathways, and a circumscribed role in research as it relates to teaching. As economic drivers their impact is focused on local and regional regeneration, or in the case of certain institutions, specific subject areas or communities of interest. With regards to the university colleges, Plant contends that “…there was something transitional, rather than final, in the concept of the university college” (Plant, 2007, p. 46), recommending that regional universities replace university colleges and that their mandate remain teaching intensive, thereby differentiating them from research intensive universities.

Plant also acknowledges that governance is one of the important issues he grappled with. In responding to the Plant report, Metcalfe, Mazawi, Rubenson, Fisher, MacIvor, & Meredith (2007) raise a number of general issues, including governance. Plant (2007) proposes a broad conceptual governance model he contends is critical for
comprehensive provincial planning and co-ordination. This structure would consist of a Higher Education Presidents Council (HEPC), Higher Education Board (HEB) and regional learning councils that would regulate, co-ordinate and plan for the entire post-secondary education system. Metcalfe et al (2007) point out that while Plant contends these governing bodies will work at a distance from government, government appears to also manage them centrally and that this generates a paradox in that centralization is not, according to the report, supposed to “erode institutional autonomy” (Plant, 2007, p. 3).

While Plant does not suggest any change to legislation in relation to a bicameral model of governance for the research universities, he does introduce proposals that would reduce the independence of the teaching-intensive universities. This is best exemplified by his assertion that “…under this model…regional universities would not have the power to establish new degree programs without the approval from the Ministry” (Plant, 2007, p. 67). Plant links his recommendation to “…the efficient allocation of public resources” (Plant, 2007, p. 72) as well as to ensuring that the programming offered in the new regional universities contributes “…to social and economic progress and sustainability” (Plant, 2007, p. 9). While Plant acknowledges that this recommendation is not related to “…academic or institutional competence” (Plant, 2007, p. 72), it does suggest a harnessing of institutional autonomy reminiscent of the historical confrontations between universities and medieval churches/nation states.

**The Establishment of Special Purpose Teaching Universities**

Following on the heels of *Campus 2020* the Ministry of Advanced Education in a news Release on April 29 2008 announced:
Government has announced three university colleges, one community college and a provincial institute will become special purpose teaching universities. A senate will be established for each university, with the same composition and powers as the university council for Thompson Rivers University. (Ministry of Advanced Education, April 29, 2008)

On July 19, 2008 by Order of the Lieutenant Governor in Council the University Amendment Act, 2008, S.B.C. 2008, c. 24 created five Special Purpose Teaching Universities, effective September 1, 2008. In addition to the institutions Plant identified in his report, Capilano College in North Vancouver and the Emily Carr Institute of Art and Design in Vancouver were given university status as Special Purpose Teaching Universities. The amendment to the University Act allowing for the new universities provided for a bicameral governance structure, but consistent with Plant’s report, differentiated between the structures for established and new universities.

Specifically, the Act appears to obfuscate a clear distinction between the powers of a board of governors and the powers of a senate. To what extent this was deliberate and self-conscious is hard to say. For example: “While the Board retains general authority for the university, and very specific authority over the business affairs of the institution, Senate’s authority seems more circumscribed and does not go as far as that of British Columbia’s established universities and universities inside and outside Canada” (Atkinson, 2010, p. 2). What Atkinson is referring to is that unlike Section 37(1) of the University Act, that states “…the academic governance of the university is vested in the senate” (University Act, 2008) and goes on to list a Senate’s statutory powers, Section 35.2 of the University Act does not contain such a blanket statement vesting academic
governance in a senate of a special purpose teaching university. In fact, Section 35.2(6) creates a more complicated model of shared governance, wherein boards and senates of special purpose teaching universities have overlapping jurisdiction, suggesting a much greater degree of interdependence in developing educational policy for matters in that subsection. For example, under Section 35.2(5) and 35.2(6) of the University Act there are certain matters over which a senate has exclusive jurisdiction and other matters upon which, although a board has the ultimate authority over these matters, the advice of senate must be obtained. In addition, under Section 27(2) of the University Act, many of the powers of a board are expressly stated to be subject to consultation with a senate, or subject to the approval of a senate, or to be exercised based on recommendations from a senate, or jointly with a senate. In summary, depending on the subject matter, a senate may have sole power to make a decision, or is required to make a decision jointly with a board, to recommend, advise, or to approve on select matters as outlined in the University Act.

In a memorandum, dated May 22, 2008, Kwantlen President David W. Atkinson outlines some of these nuances for the Board of Governors:

A distinctive feature of universities is the University Senate, which in general has responsibility for, and authority over, the academic activities of the institution. It must be emphasized that the creation of a Senate will have very significant impact on the governance and administrative models of the institution, and that this will in itself engender a very significant cultural shift. While it is true that the power and duties of the Senate are not as extensive as those found at other Canadian universities, it is nonetheless the case that faculty members, as well as staff, will
think their representatives on Senate enjoy significantly more say in the academic direction of the institution. (Atkinson, 2008b)

In turn, he also attempts to capture the differences between a unicameral model of governance and a bicameral model for those internal to Kwantlen when he shares in a Newsletter:

We must remember, too, that universities are first and foremost collegial institutions and decision-making about the university’s future must be achieved through debate and consensus. Indeed it is the “collegial” dimension of a university that is most fundamental to its distinctiveness and to its role as a place where free and open discourse is encouraged. (Atkinson, 2008a, p. 1)

**Facing the challenges of implementing a new governance model.** At this point the new Special Purpose Teaching Universities might look to research to assist them in the introduction of a bicameral model of governance. There is, however, a paucity of a broad and systemic studies of internal governance practices in universities and especially the role of a senate as a public space of engagement that is robust enough to withstand the dominance of efficiency and effectiveness discourses and their related bureaucratic structures and processes. Studies provide evidence that there is “…considerable variation in the role and responsibilities assigned to the senate at Canadian universities. While at most institutions the senate has authority over major academic decisions…there are significant differences in the range of responsibilities and the level of authority” (Jones, Shanahan & Goyan, 2002, p. 32). For example, a significant role for senate in the budgetary process could be found in only 18% of the institutions surveyed; in addition only 74.3% of respondents agree that the senate, in
practice, was the final authority for approving academic policies (Jones, Shanahan & Goyan, 2002). Of importance, however, the authors also note “Notwithstanding concerns…the findings…suggest the senate is a forum for discussing matters and that most senators characterized themselves as active participants in university governance who believe they are able to influence decisions” (Jones, Shanahan & Goyan, 2002, p. 41).

In an earlier study Hardy, in *The Politics of Collegiality* (1996), identifies nuances in the internal governance structures and processes in different universities across Canada that may assist in understanding this later finding. Using six case studies of Canadian universities to explore how power and collegiality interact within institutional contexts during periods of fiscal restraint, she comments that in some universities she found the “collegial model and decentralization of power to the senate, faculties and departments made it difficult for central administration to take…unilateral action” (Hardy, 1996, p. 48) during deliberations regarding financial restrictions. She also gives credence to the importance of senate committees during decision-making deliberations explaining, “It was here that proposals were discussed and the likelihood of opposition ascertained” (Hardy, 1996, p. 109) and “…committees created a context in which change could be made by helping to shape process that would be acceptable to the university community and thereby influence the content of the eventual changes” (Hardy, 1996, p. 114). These contentions contest Birnbaum’s often-cited claim that senates largely serve latent functions (Birnbaum, 1989).

As noted earlier, other metaphors have also been used to describe how a university functions including a university as a professional bureaucracy (Mintzberg,
1979), a collegium (Millet, 1962; Hardy, 1996), a political system (Baldrige, 1971), an organized anarchy (Cohen & March, 1974) as well as corporate/managerial frames (Reed, Meek & Jones, 2002; Stroup, 1966), the latter showing considerable dominance in the literature about strategic planning and management in higher education institutions. Despite some merit in each of these approaches, no one underlying theory of shared governance gives adequate direction as to how to live more productively within the complex decision-making character of universities and may, I contend, cause some confusion if used singularly.

In addition to these models the concept of organizational culture or the “amalgam of beliefs, ideology, language, ritual, and myth” (Pettigrew, 1979, p. 572) may supplement our understanding of the impact culture has on governance structures and practices. While this lens is helpful it is not without its issues as its complex and elusive nature has limited the attempts to study university culture comparatively (Peterson & Spencer, 1990). For these reasons I turned my attention to the democratic underpinnings of governance in universities based on a review of its history as reflected in this chapter. Authors such as John Stuart Mill underpin my contention that bicameral governance shares many of the same principles that guide democratic societies. In particular, Mill asserts that democracy draws on the moral, intellectual, and the active worth already existing in the community (Mill, 1975). This capacity to act, as Mill suggests, grows with the opportunity for meaningful participation in decision-making. Although the notion of democracy is “itself a contested concept” (Stack et al, 2006, p. 50) the principle that “all men possessed sufficient wisdom to govern themselves, and then to invent a form of civic relations that allowed them to do so” (Barber & Watson, 1988, p. 4) led me to study
political theorists, such as Hannah Arendt, whose triad of public, private and social spaces provide a lens through which I better understand the role of a university senate not only as a constituted public space in which senators can test and expand their points of view, but also as a space that can help contest the problems created by privilege and managerialism. It is this fundamental reconfiguration of internal governance, and especially the establishment of a University Senate at Kwantlen Polytechnic University, that is my focus in Chapter Four.
CHAPTER FOUR: THE POTENTIAL FOR THE RECOVERY OF THE PUBLIC SPACE IN HIGHER EDUCATION GOVERNANCE

Chapter Four is a more direct discussion of the problematic of reconfiguring governance in a nascent university in which unicameral governance and centralized decision-making were dominant. I will address how Kwantlen established the pre-conditions for establishing a senate that meets Arendt’s criteria as a public space, including the establishment of rules, policies, bylaws, and parliamentary procedure as structural conditions and understanding of the role of senators as representatives for the common good in the space of appearance. Some of the topics that had to be addressed included: Who can serve on a senate and in what capacity? Who can vote in senate elections? How is plurality respected? I then critique how faculty councils and committees serve as filtering mechanisms both by identifying issues of academic importance and by serving as more private settings where discussion can begin. In addition, I will address how such structures help to combine direct democracy with representative democracy: One of Arendt’s concerns was that representative democracy works by means of an essential passivity of the large number of individuals who allow the few to represent their interests (Kateb, 1984; Arendt, 1958). Given this as background, I will examine how parliamentary procedure can both sustain the public space of a senate and also promote more bureaucratic approaches consistent with the social space. I then turn my attention to how senate decisions, whether in the form of policy or advice, can be delegated into administrative structures and processes.
In the second major section of this chapter I examine select forces that have their history and practices embedded in maintaining a culture of power and authority in influencing and making decisions. In particular, I focus on the impact certain senate resolutions have had on the faculty union and its response that these decisions concern matters that should have been bargained. I will end this chapter by focusing on the board of governors and the issues they face in not only transitioning to sharing governance with a senate, but also the ambiguity that the amended University Act introduces. Finally, I explore one scenario that serves as an example of how such a body attempts to understand shared decision-making within a new university.

The Need for Public Space

As discussed in Chapter Two, the term public, for Arendt, “signifies two closely interrelated but not altogether identical phenomena” (Arendt, 1958, p. 50). First, the public space signifies the human artefacts, institutions, and settings that provide us a relatively permanent durable context for our activities. It is within this “common world” or the “legally and institutionally articulated space in which citizens [meet] for deliberation, debate, and decisions on matters of common concern” (Villa, 2000, p. 8) that we transact human affairs grounded in relationships outside the private space. The establishment, nurturance, and sustenance of a public space, in which people can meet as equals, exercise self-determination, take responsibility for making important decisions and engage freely with others in search of the better decision, reflects the second closely interrelated feature of a public space: It is a “space of appearance.” A number of factors may impact our ability to make an appearance through words and deeds in the public space. Among these is: Who is entitled by legislation to participate in governing? Who
believes they have equal opportunity to hold and run for office? How is participation encouraged so that individuals seek the common good? In reviewing how Kwantlen’s nascent senate approached its legislated responsibilities as a co-governing body I will review significant actions that it took to establish and populate a public space that reflects these two interrelated phenomena and in doing so move in the direction of Giroux’s understanding of a university as “a place to think, to engage knowledge critically, to make judgements, and to assume responsibility for what it means to know something and to understand the consequences of such knowledge for the larger world” (Giroux, 2007, p. 3).

In the Spring 2007, after the *Campus 2020: Thinking ahead: The report* (Plant, 2007) made public the recommendation that British Columbia’s three remaining university colleges be designated as regional universities and that they adopt a bicameral governance structure, the President, Vice President Academic, and Chair of the Education Council (a faculty member) of Kwantlen University College met with their counterparts from Malaspina University College and the University College of the Fraser Valley to discuss the transition work involved in implementing a new governance model. One outcome of these meetings was that the education council chairs, all faculty, continued to meet to discuss changes required to transition education councils into university senates.

At Kwantlen this resulted in the establishment of a working group, the membership coming from Education Council including four faculty members, one of whom was the Chair, and the Registrar who would be responsible for overseeing Senate elections. This working group was subsequently expanded, once the legislation was
amended, to include the President and Vice Chancellor, the Vice President Academic, a dean, a student, and two members of the Board of Governors.

The working group, commonly referred to within the institution as the *Senate Creation Committee*, spent the next six months putting together plans for assembling the first senate and proposing committee structures and bylaws that would establish the framework and boundaries of this body’s public-political domain or common world. In doing so the group had to determine the scope of matters the senate could legitimately address and regulate. In addition, it discussed how to meet in association and how to move from debate and dialogue to decision-making.

Such structures and processes set the basis for decisions to be accepted as legitimate not only by those within the new university, but also those in other post-secondary educational institutions, the provincial government and the general public. In particular, deliberative processes that better lend themselves to legitimacy in decision-making require norms of equality and symmetry, such norms establishing the boundaries wherein the diverse perspectives of others can be articulated and expressed and in which all have an adequate opportunity to initiate speech, question, express differences and perhaps influence others. Persuasion presupposes a degree of equality; Arendt describes such equality in a public space as the securing of “an equality of unequals that stand in need of being equalized in certain respects and for specific purposes” (Arendt, 1958, p. 197). Various opinions, in other words, cannot come together unless there is a framework in which each person’s contribution takes its place relatively free from domination while recognizing that limitations of time and closure are required to attain a modicum of rationality without suppressing difference. Arendt describes such frameworks as “a table
located between those who sit around it; the world, like every in-between, relates and separates men at the same time” (Arendt, 1958, 52).

**Senate as a Structure to Foster Public Debate**

The senate of a special purpose teaching university is obliged to make bylaws for the conduct of its business. Bylaws refer to a local application of a law passed under the authority of a higher law, in this case the amended University Act that specifies what a senate of a special purpose teaching university may regulate, what is the sole responsibility of a board of governors, where a board must seek advice from a senate and where a senate must give advice as well as the limitations on both bodies through the authority given a president. Such laws are generally concerned with the operation of an organization, setting out the procedures by which the organization will be run. Given this interpretation, they fall more within the Arendtian notion of the social space most often translated into rules and procedures for conducting the business of a senate. At the same time, bylaws give form and direction to the public space by providing some guidance as to how people will live together in association and what process(es) they will use for making decisions. In many ways they reflect the Arendtian notion of a ring wall that surrounds us, setting the parameters of our common world yet allowing us to appear while setting some boundaries in which discussion, debate, and decision-making can occur “without lapsing into irrationality or partiality” (Markell, p. 2006, p. 12).

For example, although not stated in the amended University Act, it is generally understood that members of a senate do not act as delegates of other constituencies from which they are drawn; rather, as members, all must endeavour to serve the interest of the entire university to the best of their ability. In other words, every senator’s role is to act in
Kwantlen’s best common interest. This is often referred to as the common good in which individuals “weigh interests not his own, by another rule than his private partialities” (Mill, 1975, p. 167). Mullen and Roth describe this well: “A decision-maker is always acting in some degree as a fiduciary for the community at large” (Mullen & Roth, 1991, p. 48) taking into account the good of all persons significantly affected by a decision. In serving in this manner, senators function in the public space by addressing issues that impact all as opposed to being bound by a constituency. Then President David W. Atkinson, during the first two years Kwantlen’s Senate engaged in co-governance, reinforced this point by emphasizing that the new university is attempting to create an environment in which all members can speak openly and have a responsibility to address issues for the good of the entire university, defending their stance in exercising this authority assigned to them through legislation. Such reinforcement reflects Arendt’s position that those who share a “common interest are united not by a general will but by a common world, so that there is room for disagreement and public debate amongst them on what the interests of the world actually are” (Carnovan, 1992, p. 199). In addition, the common good also contrasts with factional interests, such interests over shadowing their role as protector of the public interest.

Despite reinforcing the purpose of senate in serving the common good of the entire university, notes were passed to individual senators from individuals in the audience who also served on the faculty union executive during one of the first meetings where the education council was debating who could run for seats as a faculty senator and who could vote in such elections. The Chair of Senate took exception to this behaviour, identifying such action as not acceptable and would not be tolerated in future meetings.
He added that one of the proposed bylaws outlines that “from time to time the Senate may invite guests to make presentations to Senate meetings and to answer questions related to their presentation” (Kwantlen Polytechnic University Senate Bylaws, June 2008, 2.07) and it was this protocol by which those other than senators would partake in issues the Senate had before it. The importance of the senate as a public space was further reinforced when a motion was made by a faculty senator, who was also on the faculty union executive, that voting be carried out by secret ballot. This motion was defeated. This was a crucial decision. If voters remain anonymous, Arendt would contend, they do not appear in public as individuals but merely as an amassed vote. In essence, everything that appears in public can be seen, while in secret balloting voters are not obliged to explain the reasons for their decisions on public matters. Secret ballots do, however, serve as an assurance of political privacy; voters are not so easily intimidated or unduly influenced. Arendt would take exception, I believe, in tying politics and privacy together since in her mind they are opposed. The practice of secret ballot, however, is the norm in elections of government representatives and is done as much for expediency as for protection from group pressure. In Senate meetings, however, such a proposal would seem to close up the space of appearance and take away one of the purposes of deliberation, that is, “the full disclosure or illumination of a matter in question” (Brunkhorst, 2000, p. 180) as seen through the eyes of a plurality of agents. For Arendt, the validity of political judgement depends on our ability to think from the standpoint of others, so that we look at issues from a number of different perspectives. This ability “can only be acquired and tested in a public forum where individuals have the opportunity to exchange their opinions on particular matters and see whether they accord with the
opinions of others” (d’Entreves, 1994, p. 254). Without openness to seeing how other individuals respond to arguments, one cannot hone or modify an argument to promote better decisions, nor can one build the courage that is needed to expose and disclose one’s self in public and accept responsibility for one’s choices.

**Appearing in Public – Who’s Included and Who’s Excluded**

As noted in earlier chapters, legislation can constitute and reconstitute an institution through law, giving rise to complex and difficult issues rooted in representation, empowerment, authority, and in the “questions of…difference and identity…inside and outside, inclusion and exclusion” (Bhabha, 1994, p. 2). Prime among these conflicts is the question of who has a legitimate claim to enter into a newly constituted public space, established by legislation and enacted by a university senate, to address issues and make decisions? “To serve as a senator is a means of conferring status” (Birnbaum, 1989, p. 430) as well as providing “legitimate organizational roles” (Birnbaum, 1989, p. 431) for the articulation of interests. The issue of who can serve on senate and in what capacity brought to the forefront the importance of senate as a space of appearance.

In the case of Kwantlen, prior to the new legislation, every faculty member belonging to the faculty union was entitled to run for and vote on who would represent their interests on the Education Council. This practice underpinned by legislation and connected to a collective agreement had a broad definition of a faculty member:

Faculty member includes an instructor, librarian, tutor, counsellor, research associate, program co-ordinator or other employee of the institution that a collective agreement between the bargaining agents, as defined in Section 1 of the
Labor Relations Code, for the institution and faculty members specifies to be a faculty member. (College & Institute Act, 1996)

The University Act, in contrast, defines faculty member in a different manner: “A faculty member means a person employed by a university as an instructor, lecturer, assistant professor, associate professor, professor, or in an equivalent position designated by the senate” (University Amendment Act, 2008).

Complicating this matter is the definition of a faculty in the University Act, which is different than an individual faculty member. An individual faculty member is described as above while a faculty is a broader term used to designate

(a) in the case of a university named in section 3 (1), an academic administrative division of a university constituted by the board as a faculty under section 39, or the dean and faculty members of a faculty, as the context requires or (b) in the case of a special purpose teaching university, an educational administrative division of a university constituted by the board as a faculty under section 39, or the dean and faculty members of a faculty, as the context requires. (University Amendment Act, 2008)

At the time the University Act was amended to include special purpose teaching universities, librarians, counselors, learning centre faculty and faculty who oversee co-operative education courses not only did not belong to one of the eight academic divisions that were recommended to the Board of Governors for formal approval as faculties, but also reported to different administrators.

These unaffiliated faculty, although recognized under the Collective Agreement as members of the faculty union, were recommended for voting privileges within the
Professional Support Staff category that also include members belonging to the BC Government Employees Union and excluded personnel. This category of senate representation includes “any employee of the special purpose teaching university who is not an officer of the special purpose teaching university or a dean or faculty member” (University Amendment Act, 2008).

The reaction of these individuals was one of hurt, anger, and passionate concern that their collective identity had been disaggregated. They shared that they were being excluded from the demos and would not only be weakened in presenting and defending their interests but also that they wanted to contribute to governing the new university. They expressed that it was not sufficient to participate in select senate committees, valuable though this might be. They contended that their identities were affected, that they had been disenfranchised as faculty members and as a result they were experiencing a sense of displacement if not erasure, “being diminished in not only what we do but also our sense of us as a faculty” (Group Meeting of faculty with President Atkinson, Vice President McGillivray, personal communication, August 2008). They added later that this exclusion “reflects a view that we have a separate purpose,…one that is more peripheral and secondary to the main instructional enterprise [and]…behind this view are sometimes latent attitudes about the intrinsically lower value of services to the institutional mission” (Kwantlen Polytechnic University Proposal for a Faculty of Library & Student Engagement Services, June 10, 2009, p. 8).

Membership and attendant questions of inclusion and exclusion are vexing and these faculty’s claims to rights of membership, as potential faculty senators, had not been foreseen in legislation. A number of options were discussed with them, including their
affiliation for a period of eighteen months with one of the eight faculty groupings being recommended to the Board of Governors, while the Senate established policy for creation of a new faculty as well as standards and criteria to differentiate the designations of instructor, lecturer, assistant professor, associate professor and professor and against which these faculty could than be evaluated. In addition, a recommendation was made that during a two-year transition period the faculty member who was within this grouping and a member of the Education Council would continue on the Senate. The latter recommendation was accepted, but the unaffiliated faculty rejected the option of affiliation with one of the eight faculties.

Senators, in dealing with the politics of membership that can potentially undermine confidence in the legitimacy of decisions, proposed a motion on October 06, 2008:

Senate affirms that the following are members of the Academic Faculty and, accordingly, should have representation on Senate:

1. Centre for Academic Growth faculty,
2. Co-operative Education faculty,
3. Counsellors,
4. Learning Centre faculty,
5. Librarians
6. Program Review Facilitators,
7. Student Life Development faculty,
8. Services for Students with Disabilities faculty. (Kwantlen Polytechnic University Senate Minutes)
This motion was carried and followed by a second motion “THAT Senate supports, in principle, the creation of an additional Faculty for the above group, and requests that the President bring to Senate a recommendation in this regard no later than December 31 2008.”

It was not until September 2009, however, that a Faculty Working Group responsible for developing a proposal for the creation of a new Faculty of Library & Student Engagement Services submitted a proposal for Senate review. The proposal recognized that while the faculty involved were essentially separate units reporting to different administrators, they share a “fundamental academic purpose: we teach learning strategies, not simply content” and “most fundamentally, we all support the development of student learning abilities in all Faculties” (Kwantlen Polytechnic University Proposal for the Faculty of Library & Student Engagement Services, 2009, p. 2). They further note that the amended University Act describes faculties in special purpose teaching universities as an educational administrative division while the research universities faculties are described as academic administrative divisions and that this difference broadens the scope of what can therefore constitute a faculty in a special purpose teaching university. The government, however, did not provide any guidance as to what distinction is to be drawn from this language, other than perhaps highlighting that legislation worked out for rather than with the new universities cannot anticipate issues they may face. Ehrenberg reinforces this assertion when he states that “any proposal to reform university governance needs to be crafted carefully with a full understanding of the institution’s local history and environment” (Ehrenberg et. al., 2004, p. 4). Other, more sceptical critics, offer that the new legislation is a copy and paste exercise using the
University Act as the basis and inserting components of the College and Institute Act into
it without recognizing the contradictory pressures this creates and the potential for
significant points of difference to arise in interpretation.

The Senate gave the proposal serious consideration, attempting to sort out valid
arguments from less valid arguments and ultimately was not satisfied that all possible
consequences of establishing this group of faculty members as a faculty were compelling
enough. In particular, the Senate debated the legislation around the powers and duties of a
faculty and whether this proposal could meet the criteria of what was expected of a duly
constituted faculty. They thought it would be unusual, within the Canadian university
system, to establish a faculty that does not oversee teaching, examinations, and co-
ordinating research. They discussed that it was technically possible to create such a
faculty, given the wording of Section 40 of the University Act, but pondered whether the
establishment of this particular faculty would result in some faculties that were not equal
in terms of dealing with issues a faculty is supposed to deal with. Individual senators also
did not find compelling rationale that there was, in Whitley’s terms, “a central core which
firmly controls intellectual boundaries” (Whitley, 1984, p. 37), nor could they come to
agreement on how this divergent and loosely knit group of faculty members could be
satisfactorily administered, have access to academic leadership that can speak effectively
for them, and resources to assure their well being and future development. At this time in
the evolution of the new university, the senators thinking was that a faculty should be
comprised of department(s) or department(s) and schools that can in some manner stand
the internal and external tests of “academic credibility, intellectual substance, and
appropriateness of subject matter” (Bechert, 1989, p. 19). They decided that there may be
reasons for these faculty members to constitute an administrative unit, but it would be unusual to constitute such a grouping as a faculty.

In retrospect, when presenting their proposal these faculty members, although having gone through an exhaustive process of proposal development without the benefit of policy, did not write their proposal as if they were in the new senators’ shoes therefore their capacity for more representative thinking was missing and did not satisfactorily speak to issues the new Senators were attempting to address. In not thinking from the standpoint of the new senators, whose agreement they were wooing, the faculty was not able to take the perspectives of others into account.

There is no doubt the legislation introduces restrictions on who can serve on a senate in the newly established universities. In summary, the new senate is composed of the Chancellor, the President & Vice-Chancellor, the Vice President Academic, the Deans of the Faculties, the Chief Librarian, the Registrar (non-voting), faculty senators (two from each Faculty), student senators (four), alumni senator, professional support staff (two) and a Board appointee (non-voting). With respect to faculty senators this contrasts with the legislation for the University of British Columbia, the University of Victoria, Simon Fraser University, and the University of Northern British Columbia where there is more flexible composition. This difference is because the number of faculty members is determined on a proportional basis relative to the number of deans and certain other persons sitting on the senate and once this number is determined, then two faculty members per faculty are elected and the remaining faculty senators are elected as faculty at large. This process ensures faculty dominance on a senate whereas the new universities do not have this assurance.
By not supporting the proposal to establish a new faculty in order to give select persons a voice, the Kwantlen senators engendered disappointment and resentment. At the same time, their arguments about not being professional support staff created unintended consequences for those who can serve in this grouping who felt somehow less worthy than senators who are faculty members. A positive outcome of this deliberation, however, was that faculty senators largely carried out the debate with their peers respectfully, introducing a shift in the institution in how contentious issues are addressed. In taking the responsibility for tackling an important issue, faculty senators no longer looked to their administrative representatives to carry the debate. In turn, these individuals resisted the temptation to step into the debate in a manner that would give a sense of unequal power. Although the outcome was not to everyone’s satisfaction, the beginning structures of who can appear in the public space of senate had begun. Perhaps the senate will re-examine their thinking about what constitutes a faculty.

As noted earlier, senators also agreed to a proposal to have a faculty member remain on senate as a voting faculty senator for a two-year transition period to represent those faculty members who did not belong to one of the newly constituted faculties. It was their hope, I believe, that they could somehow come to terms with labour law that was more closely tied to who can serve on an education council under the College and Institute Act than who can serve on senate in the amended University Act. They had to grapple with whether or not they could advertently be out of compliance with legislation after the twenty-four month transition period by expressing an indifference to existing law and thereby raise questions about the legitimacy of their own authority. The senators did explore the continuation of the practice of having a faculty member represent the
group of faculty not affiliated with one of the established faculties as a non-voting
member. Serving in this capacity, would, however, give a specific constituency the ability
to influence debate and take positions on questions raised without having the legal
accountability for the outcome of a vote. Despite this reservation the senate did elect to
continue this solution of having non-voting members of the Senate. It would be fair to
state, I believe, that legislation makes a senate a differentiated public and in doing so has
exclusionary consequences that impact access to and participation in a public space.

In addition to which faculty members can run for senate, the issue of which
faculty members can vote in Senate elections also emerged as a problem. Given the
institution’s history and collective agreement, Kwantlen has three types of faculty: Those
in continuing positions (regular faculty) and those in term certain positions (non-regular
faculty); in the latter category faculty either have an annualized workload of 50% or
greater for a future 12 month period (Type 2 faculty) or are hired for a defined period to
teach specific courses or perform specific work (Type 1 faculty). In reviewing election
rules at a number of Canadian universities, a clear and common general practice emerges:
sessional lecturers/instructors are not normally eligible to vote as faculty in senate
elections. Initially, the Senate Creation Committee proposed that all faculty members
with an appointment consistent with the term of office in a specific faculty be eligible to
vote. Since the term of office for faculty senators is three years this would mean that only
regular faculty members would be entitled to vote and non-regular faculty members
would be disenfranchised. This proposal caused considerable debate amongst senators
many of whom spoke of the commitment to the institution of non-regular faculty
members and that it would be a great discouragement to an individual and a still greater
one to these group of faculty to be left out of the decision-making process about who can serve on the Senate. Based on advancing these arguments further options were discussed with senators. These included that all faculty members with a continuing appointment and all faculty members with a minimum 50% appointment for one year be eligible to vote in Senate elections. Some senators, however, having begun their professional careers in Type 1 faculty positions, argued in a reasoned and compelling manner that senate represents and legislates for the entire teaching body of a university and therefore all those who teach should have the right to cast a vote as to who can serve as a faculty senator. After considerable debate Senate passed the motion

THAT the voters list shall be comprised of all faculty members with appointments within educational administrative divisions of the University constituted by the Board as a faculty. All faculty members with a current appointment during the period of election will be eligible to vote. (Kwantlen Polytechnic University Senate Minutes, 2008, October 2)

In this instance, the collective decision of Senate regarding what was best for the common good of the new university, given its history and culture, involves recognizing all faculty having equal opportunity to vote in Senate elections, save those who are not affiliated with an established faculty who vote in the professional support staff category. This decision reinforces Arendt’s belief that political equality involves bringing all voices in a public space together, since all inhabit a common world and share its concerns. In essence, no one ought to be treated as more politically privileged than another; “if some persons are excluded from the demos…yet compelled to obey its laws…they have a justifiable claim…to be included” (Dahl, 1989, p. 120). In doing so we open up public
spaces that encourages others to discuss and express their opinions on public matters and form political judgements including representation on bodies that will make decisions that may impact them.

**The Need for both Public and Private Spaces: Creating Faculty Councils and Committees**

Direct democracy, wherein every citizen has the right and opportunity to participate in decision-making, has not been the norm in modern democratic forms of polity as these constituencies grew in the number of participants that needed to be accommodated (Monahan, 1987). Representatives have “largely replaced the citizen’s assembly of ancient democracy” (Dahl, 1989, p. 215). Overall, university senates and faculties operate in a similar manner. Senates function as a central body representing an entire university on academic matters while a faculty is a quasi-independent entity, that while respecting the authority of more senior university governance bodies and administration, are responsible for their own planning, priority setting, development, management and ongoing review of teaching, research, programs, and services within the unit. Although some university faculties create councils comprised of all faculty, the dean, associate dean(s), and other academic staff to carry out these functions, most create representative faculty councils or an amalgam of these two models.

Kwantlen’s faculties, in developing their bylaws, chose an amalgam of these two models: a representative faculty council reporting to a faculty of the whole at certain points and for certain issues. Faculty councils allow for more differentiated and localized activity representing local interests that are not necessarily university-wide and therefore the opportunity for their expression is greater. Representative faculty councils act for a
particular faculty between meetings of the entire faculty; their representation is
distributed based on size and composition of each of the disciplines/departments within
the faculty as well as student representatives, the dean, associate dean(s) (if any) plus the
Registrar as a non-voting member. This membership then varies dependent upon how
each faculty normally carries out its day-to-day affairs, makes decisions on academic
matters, and sets priorities. In addition, despite the dean of a faculty, under legislation,
being the chair of the faculty, the eight faculty councils at Kwantlen vary in whether the
dean also chairs the faculty council or if there is an open election for the chair from
among the members of the council. This decision reflects the different orientation each
faculty took in relation to carrying out their role as a forum for faculty wide
dissemination of information, discussion, and academic decision-making. Prior to a
bicameral model of governance being implemented at Kwantlen, each academic division
normally carried out their activities through chairs and curriculum committees plus a
yearly meeting of the entire division. The latter took the form of information updates and
were not decision-making forums. Faculty councils introduced a new measure of shared
responsibility into the faculties.

In addition to the faculty council each of the faculties also established standing
committees that not only carry out more focused activities of the faculty but also mirror
the standing committees of the senate. They thus serve as an organizational channel for
the exercise of professional influence as well as being a more direct and intensive form of
faculty participation in the governance of a faculty. Some of these standing committees
have their historical underpinnings in the institution prior to its designation as a university
and had functioned in a consensual decision-making manner reporting to the education
council. Other committees, such as Academic Planning and Priorities Committee and the University Budget Committee, introduce new and broader responsibilities for faculty involvement and decision-making.

I contend that structures such as faculty councils, committees, and meetings of the faculty as a whole, help address Arendt’s concern that “representative democracy…fails to celebrate the worldly character of political action and speech insofar as it leaves these experiences…to the few” (Bowen-Moore, 1989, p. 143); citizens are not made participants in the public world outside of election time. In critiquing representative government Arendt favours a more decentralized system of participation most often described as a council system in which citizens participate directly in politics at a more local level through a council and that representatives to the next level are chosen by this body. The council system, in essence, advocates some form of representation at various levels of government suggesting that Arendt was not against all types of representation although she never fully developed the idea of the council system. In The Life and Times of Liberal Democracy (1877), C.B. MacPherson presents an approximation of a model that combines direct with indirect democracy that closely resembles what, I believe, Arendt had in mind.

The simplest model that could be properly called a participatory democracy would be a pyramidal system with direct democracy at the base and delegate democracy at every level above that. Thus one would start with direct democracy at the neighbourhood or factory level – actual face-to-face discussion and decision by consensus or majority, and election of delegates who would make up a council at the next more inclusive level, say a city borough or ward or a township. So it
would go on up to the top level, which would be a national council for matters of national concern, and local and regional councils for matters of less than national concern. (MacPherson, 1877, p 108-109)

Building on this description, I contend that the general structures and pathways for the regular practice of participatory politics with regard to academic issues are present in many universities. For example, many decisions begin at the program level where faculty participate in decision-making through their own department’s committees. Issues and decisions than move up through sub-committees to a faculty council, a faculty of the whole and then onto senate committees and senate. Each of these bodies provides additional public spaces for those who wish to participate in governance. Although MacPherson’s description of how to combine direct and indirect democracy is essentially a pyramid, and such structures are often interpreted as authoritarian in nature, this is only accurate if authority is filtered down from above. I contend that structures and processes can also be envisioned so as not to advance a hierarchical approach to decision-making as a top down exercise. Through the creation of formal spaces in which multiple stakeholders are involved in the consideration of complex educational issues and through discussion, the use of rational argument, and informed by data and professional judgement, advice can be given and decisions made that, in turn, can be considered by others in the same manner. Each of the pyramid’s levels, interpreted in this manner, serves different functions focusing a community where their expertise is paramount to ensure those whose interest may be affected by an issue or a decision have an opportunity to provide input into that decision. If used in this manner, power is built up from below and added to at each of the pyramid’s levels until a decision can be made regarding what
is in the best interest of an entire university. Decentralizing decision-making in such a manner and having multiple sites in which this can occur stresses the importance of broad-based decision-making that filters through the institution rather than being imposed downward. In doing so this serves as a mitigating force that runs counter to top-down decision-making as there are more mediating venues in which people can act together reflecting the Arendtian notion of power or acting in concert.

Faculty councils and their committees also provide an example of the complexity of the division between public and private spaces. These spaces, although public, are not so public that their discussions are always open to the rest of the university and their discussions are certainly not open to the general public. When they provide a safety net in which to serve as more protected spaces they fall closer to the Arendtian notion of the private space as conversations and debates occur within smaller groups of people and out of the glare of publicity often associated with competing interests of a multiplicity of groups such as occur in the more federal political structure of a senate. As noted in Chapter Two, public and private spaces are never a pure phenomenon. A space can be more public or more private depending on its relative openness and collectivity; as the latter decrease they become more private in nature. This attribute helps committee members who may have less experience with public scrutiny and debate to gain dialogical competence in order to participate in the more agonal public spaces into which their recommendations will be filtered. Such structures create the spaces in which individuals can try on and try out new roles, sheltered from some of the consequences of these attempts, nurturing understandings that can later be revealed with greater assurance in the more public space of a Senate meeting.
For the purpose of my problematic, I will also critique the role of two standing committees in terms of how they contribute to public debate within a bicameral model of governance. In addition, I will review the issues and challenges a special committee faces as the nascent senate increasingly takes on the responsibility of addressing academic issues important to the university.

**Senate Standing Committee on the University Budget**

Previous to the introduction of a bicameral model of governance, Kwantlen’s budget process was centralized with each Vice President using different approaches in gathering the necessary information. This framework was based on best estimates regarding the operating grant from the Ministry, tuition income, and against known expenditures. Once each factor became clear some adjustments were made but they tended to be minor and largely controlled through the office of the Vice President Finance and Administration. In essence, the budget parameters largely controlled the implementation of faculties’ and the institution’s academic plans. Although the final budget for the institution was reviewed and debated by the Board of Governors, they were given few options; their discussions focused largely on tuition fees, capital needs, and contingency funds that would help see the institution through a potential crisis. In addition, there was no formal input from the Education Council into the Board’s deliberations although language in both staff and faculty union collective agreements requires that both unions be given an overview of the proposed budget before its consideration by the Board of Governors.

With the introduction of a bicameral model of governance and in particular Section 37(1)(e) of the legislation, in which a senate is required to “establish a standing
committee to meet with the president and assist the president in preparing the university budget” (*University Amendment Act*, 2008), a new dimension was added to budget development and review at Kwantlen. The Senate envisioned two roles for the Senate Standing Committee on the University Budget: first, this committee serves as an advisory body to the Senate on matters within its jurisdiction such as proposals for new research or other programs; second, it has the responsibility to review and advise the Senate on the broader university budget including budget priorities, major capital plans, and the general allocation of funds.

Given the establishment of not only this standing committee, but also the requirement for a Senate to be included in budget discussions and advise the Board of Governors on the university’s budget, involved a substantially changed budget process. The 2009 process was more open, including budget hearings with the deans of academic divisions and directors of administrative divisions, information sessions with the Kwantlen Faculty Association, the Kwantlen Student Association, the BC Government Employees Union, and excluded employees. Budget preparation was also guided and reviewed within the context of both financial parameters and the Academic Planning and Priorities document. These changes gave a transparency to the rationale for requests and I was personally taken aback, even as Vice President Academic at the time, by how much I learned about the institution’s needs outside of my areas of responsibility. I suspect the deans who reported to me better represented their needs; indeed, some of their budget presentations provided insight into hopes for their future as well as academic issues facing them that I could not have matched as Provost. Once proposals were amalgamated into a composite budget this document was open to comment from the Senate Standing
Committee on the University Budget and the Senate prior to being considered by the Board of Governors. This process, although time consuming, recognizes the points Duff and Berdahl (1966) make in relation to university governance reforms of the 1960s, specifically the importance of senates’ involvement in the financial decisions of a university.

**Senate Standing Committee on Academic Planning and Priorities**

The second standing committee that the senate established was the Senate Standing Committee on Academic Planning and Priorities. The responsibilities assigned this committee are very broad and indicate the centrality of academic planning to university initiatives. Without quoting their mandate, it is worth noting that it includes advising the Senate on the mission, educational goals, objectives, strategies and priorities of the university including the establishment and prioritization of new programs as well as the revision or discontinuance of programs. In addition, advice is given to Senate regarding the establishment or discontinuance of faculties, schools, divisions and departments as well as the establishment, revision or discontinuance of research centres, institutes, research chairs and professorships, and other research-related matters.

A review of their minutes between February 2009 and March 2012, indicate the complexity involved in addressing these responsibilities. To give advice to Senate on this array of matters an extensive overview of the university’s operations occupied the greater part of their first six meetings and continued in subsequent meetings. This includes, but is not limited to, an orientation to budget development and financial documents, an overview of each of the eight faculties, including a presentation by each dean regarding the faculty’s academic priorities, and joint meetings with the Senate Standing Committee
on the University Budget and the Senate Standing Committee on Curriculum to better understand how each links to one another as well as the various other structures and processes in place that funnel issues and ideas into making decisions.

Given the complexity of the responsibilities this standing committee addresses, it is relevant, I believe, to note that they have encountered some faculty union opposition and are cited as part of a complaint by the Kwantlen Faculty Association to the BC Labour Relations Board regarding jurisdictional boundaries I will discuss later in this chapter. Their voting membership includes the Chancellor, President, four faculty representatives, three of whom are senators, three deans, one professional staff and two students, one of whom is a senator. Ex-officio, non-voting members, include the Chair of the Senate Standing Committee on Curriculum, the Chair of the Senate Standing Committee on the University Budget, the Vice President Academic, the Associate Vice President Research & Scholarship, the Associate Vice President Academic, and the Director of Institutional Analysis and Planning.

**Senate Task Force on Academic Rank and Advancement**

The new senate also uses special committees to study particular issues. One example of such a special committee is the *Task Force on Academic Rank and Advancement* established as a result of a November 2009 Notice of Motion brought to the Senate by a faculty senator. The committee’s mandate is “to discuss, investigate and determine the rationale for rank and advancement at Kwantlen Polytechnic University and based on their findings to develop a framework” (Kwantlen Polytechnic University Senate Minutes, November 30, 2009).
The membership of the Task Force includes two faculty members from each of the eight faculties and two faculty members who are not members of a faculty. It is worth noting that no individual serving in an administrative position is to be among the members. Shortly after their first meeting the Task Force granted a request from the faculty union to have a representative as an observer at all subsequent meetings.

In reviewing minutes from the Task Force between June 2010 and February 2012, it is evident that they did not undertake their mandate as one of developing a framework as requested, but of advising Senate on faculty members’ thinking regarding faculty rank and advancement. Although Senate is aware of how they are proceeding, it did not alter their mandate nor did the committee request an alteration. It is worth noting that even though a task force is a less public space in which to vigorously debate, many of the faculty members on this committee experienced a sense of vulnerability in openly expressing their views and struggled with their conflicting obligations as faculty, as union members and as members of a senate task force. In particular their minutes reflect a vacillation on whether the issue was an academic decision recognizing merit or an employment decision to be negotiated. Their minutes also give evidence of a need to create an environment where all members are able to speak openly.

**Sustaining the Public: The Role of Parliamentary Procedure and Majority Rule**

Faculties, committees, and special committees provide access to multiple public spaces in which issues of academic importance to a university can be brought forward. They do not, however, provide the processes and procedures by which these issues will be addressed. The most common guidelines that university governing bodies use to regulate debate is parliamentary procedure or the body of rules and procedures for
meetings of deliberative assemblies (Robert, 1923). Such is the case for Kwantlen’s Senate when it passed a motion that “all proceedings of the Senate shall be governed by the most recent revision of Robert’s Rules of Order, except as otherwise provided” (Kwantlen Polytechnic University, Senate Bylaws, 2008). Robert’s Rules of Order is the most widely used parliamentary authority in North America. Fundamentally, parliamentary procedure defines a series of rules and procedure to determine a common approach to how a group of people can most effectively meet, interact together for a common purpose, make decisions in a fair, consistent manner and behave respectively and fairly towards each other. In Arendtian terms it provides a foundation for deliberation in the space of appearance including how debates are initiated and concluded, who has the right to speak, how often, for how long, who may interrupt, and who has the right of reply. Parliamentary procedure provides a structure by which business is conducted through motions or disposed of through subsidiary motions. Its goal is to allow deliberation and to arrive at a sense of the will of the assembly. At its heart is the rule of a majority after a respectful airing of a plurality of views (Robert, 1923). In Parliamentary Law there is a quote from Henry Robert that quite wonderfully captures the spirit of both the common world and the space of appearance Arendt associates with the public space:

Where there is radical difference of opinion in an organization, one side must yield. The great lesson for democracies to learn is for the majority to give to the minority a full, free opportunity to present their side of the case, and then for the minority, having failed to win a majority to their views, gracefully to submit and to recognize the action as that of the entire organization, and cheerfully to assist in carrying it out, until they can secure its repeal. (Robert, 1923, p. 23)
In essence, majority rule under these conditions is more likely than any other method to lead to better decisions as “pooled judgments of many different persons are likely to be wiser on the whole, and certainly less subject to gross error, than the judgments of one person or a few” (Dahl, 1989, p. 141). Benhabib explains:

In many instances the majority rule is a fair and rational decision procedure, not because legitimacy resides in numbers but because a majority of people are convinced at one point on the basis of reasons formulated as closely as possible as a result of a process of discursive deliberation that conclusion A is the right thing to do, then this conclusion can remain valid until challenged by good reasons by other groups. (1996, p. 72)

I believe it important to note that these concepts and principles can be traced to Aristotle’s Politics, the principal one being that “the multitude is dominant in the more important matters” (Aristotle, 1999). I do not intend to summarize these guidelines; rather, I want to discuss how agenda setting and moving from dialogue to decision have far-reaching implications in shaping our efforts as actors in a public space such as a senate. I will also discuss an inherent danger of any set of guidelines to be “misinterpreted, misapplied, and abused” (Benhabib, 1996, p. 72) by putting constraints on dialogue in a way that is not supportive of the processes of public discussion so important to Arendt.

**Agenda Setting – Its Relationship to the Public Space**

At its most rudimentary level an agenda “is a predetermined sequence of items of business to be covered at a specific meeting” (Sylvester, 2004, p. 169). This aspect of an agenda reflects a straightforward bureaucratic approach to what occurs in a meeting and can therefore be seen as belonging more to the Arendtian notion of the social space. What
is more important, however, in terms of agenda setting and the problematic I am addressing, is that agenda setting—in sifting through, articulating, and weighing academic matters on which decisions are to be made—is also an attempt to shape what people think about. Barbara Sinclair reinforces this interpretation when she asserts that agenda setting is “the process through which issues attain the status of being seriously debated by politically relevant actors” (Sinclair, 1986, p. 34). Markell further contends “some of the most important work of democratic politics…consists in the interpretation of particular events; that is in the representation of happenings…as practically significant” (Markell, 2006, p. 13). Agenda setting is therefore very important in terms of helping to build the conditions in which political freedom can flourish since it may heighten or diminish the representation that make some events—but not others—a senate’s business.

In reviewing the scope of matters that Kwantlen’s Senate had on its agendas between August 2008 and February 2012, I focus on select issues that highlight its perceived authority as a co-governing body of the new university and critique how it enacted this within the public space of senate meetings. A review of agendas reflects how the new senate put in place the foundations for how it will conduct its business including establishing bylaws, committee structures, parliamentary procedure, formation of the initial eight faculties that will carry out the academic and research work of the university, and reviewing and approving the bylaws of each of these faculties. Over the first four years of the senate, after it did the above, agendas follow a standard format including a call to order, confirmation of the agenda, approval of minutes, business arising from the minutes, President’s Report or Comments, committee reports, new business, and Items for Discussion later changed to “Questions with Notice” and “Questions without Notice.”
I want to focus attention on two agenda items as they demonstrate how Senate is different from the previous Education Council at Kwantlen and how this difference both reflects an appreciation of their legislative authority as a partner in governing the university and signals concerns that the new senate may need to address.

First, near the beginning of each meeting the Chair, who is President and Vice-Chancellor of the University, gives a report to Senate. In reviewing minutes this report covers political issues that are relevant to the university, select issues the university is facing and general updates on university matters. This practice keeps the Senate more-or-less up to date on the broader constellation of issues a university faces. This is common practice at both the University of British Columbia and Simon Fraser University. In contrast, the President of Kwantlen as a college and university college, seldom attended meetings of the Education Council, was not its Chair, and the chair, a faculty member, did not comment on a wider spectrum of issues facing the institution since he/she did not have access to much of this information. Although not exhaustive, this update can be argued to impact on the quality of decisions Senate makes as it broadens senators’ understanding of some of the general issues at stake and the range of issues pertinent to the public space. Such reports, however, are very much driven by the individual character of the Chair of Senate and how he/she interprets what senators should be made aware of.

It is interesting--and troublesome--to note that this agenda item changed in 2012 from Chair’s Report to Chairs Comments. The term report implies an intention of relaying information or recounting certain events to a specific audience and implies a responsibility one has to that audience to give a reasonable account of actions or activities that may impact them whereas the term comment is a less fulsome word usually reflected
in the adding of a piece of information or making an observation or comment. It is also
troublesome, I contend, that the Board of Governor’s agendas indicate a requirement for a
President’s Report as well as a Senate Report both given by the President and Vice
Chancellor of the University. I note this example as it is imperative that senators
appreciate the importance of how language changes expectations and how a shift, such as
this one, may be inadvertent, or indicate a perceived difference in how the President
relates to the Senate and the Board of Governors.

The second agenda item I want to draw attention to is one placed at the end of every
Senate meeting that permits more open discussion on matters not yet on Senate’s agenda.
It provides an opportunity to call to Senate’s attention problems, questions and general
concerns or can be used for general information sharing purposes. Until January 2012 this
agenda item was titled *Items for Discussion*. When used in this sense Mortimer and
McConnell would refer to this as Senate’s “*forensic function*…a time to call the Senate’s
attention to problems of general concern” (Mortimer & McConnell, 1978, p. 29). This
contrasts with its legislative functions over matters assigned solely to it and its advisory
functions in relation to a Board of Governors (Mortimer & McConnell, 1978). Typically
the forensic portion of a senate meeting offers an opportunity for exchange of views
among senators without reverting to parliamentary procedure. These issues may become
the basis for Senate action at a later meeting or serve as attention cues (Birnbaum, 1988)
that certain issues are percolating in a university. At minimum, they give some space for
public discussion and a continuum of responses and more subtle reactions not ruled by
parliamentary procedure. In reviewing Senate minutes between January 2008 and
February 2012 and Education Council minutes between September 2008 and December
2008, it is noticeable that Items for Discussion was not part of the usual way the
Education Council established its agenda. However, when Senate sat for the first time as
a duly constituted body in January 2009, the agenda reflected this item in all but three of
its meetings that year. At times this item was used to make general announcements or
distribute material individual senators believed was important as background information.
At other times this agenda item provided an opportunity to raise substantive and
sometimes controversial academic issues. For example, clarification was sought
regarding where Senate was in terms of a policy on faculty qualifications in light of a
Faculty of Social Sciences motion that all new hires for faculty positions in sociology be
PhD qualified. In other instances, discussion focused on tight timelines for the budget
review process and a commitment was given by the Chair to adjust this in future years. In
addition, opportunities for committees to report to Senate in a timely manner was raised
since this impacts the ability of Senate to review materials and allow senators to reflect
on points they may want to raise or questions they may want to pose. Of note,
reallocation of student seats in select areas was raised, a request to establish a special
committee on rank and advancement was made, and clarification was sought regarding
the relationship between the approval of program revisions having budgetary implications
and budget approval. Before this agenda item was changed in January 2012, from Items
for Discussion to Questions with Notice and Questions without Notice the following
additional items occurred under the auspices Items for Discussion:

- A request for legal advice regarding Senate’s authority versus Board authority
  with regards to the appointment of an acting president.
- A statement by the Humanities Faculty Council that reads
1. Whereas the procedures followed in the proposed appointment of an Acting President violate the requirement for “collegial, transparent and collaborative decision-making processes” stipulated in the ‘Commitment to Institutional Participation’ within Kwantlen’s Vision and Commitment Statements, the Humanities Faculty Council supports the University Senate in the position it has taken to date with respect to senior administrative appointments.

2. Whereas the University Act envisages a bicameral approach to governance the Humanities Faculty Council supports the Senate in its assertion of its authority under the Act.

(Kwantlen Polytechnic University Senate Minutes, 2011, may 2)

Questioning and discussion share some characteristics as the former may be used to better examine an argument or a comment or explore a potential solution. Often, however, questions are a request for information or may draw attention to a relationship between two or more variables, but do not commonly share the characteristic of informal debate and discussion that is so important to the forensic function of a senate and to the maintenance of a true public space that in many ways is always at odds with itself, torn between coming to a decision and rendering everything open to never ending questions. Such fundamental tension is well described by Markell as that “between democracy’s unruliness and its need for rule” (Markell, 2006, p. 4). Questions also implicitly suggest that there are answers which contrasts with Arendt’s stance that political issues are ones we “cannot figure out with certainty” (Arendt, 1979, p. 317) and for this reason require collective deliberation.
It is also important, I contend, to note that this agenda item was placed at the end of very packed Senate agendas at Kwantlen. In contrast, Simon Fraser University has a Question Period immediately following the Report of the Chair as well as Information Items at the end of its agendas. The University of British Columbia, in turn, has an agenda item called Proposed Agenda Items after Remarks from the Chair that also has Related Questions attached to it. It is also important to pay attention to the placement of items on an agenda. At minimum they should “be ordered from most to least important so that if a meeting is cut short, the most important things would have (hopefully) already been resolved” (Sylvester, 2004, p. 169). What is judged to be important is itself a political question and merely accepting Robert’s Rule’s template for agenda setting, without questioning the placement of items, lends itself more to maintenance of the social space than the sustenance of a public space such as a university senate.

**Deliberation and Debate in the Public Space**

Setting the agenda provides a roadmap for the time a group will spend together. It cannot however “dictate outcomes nor define the quality of argumentation nor control the quality of the reasoning and rules of logic and influence used by participants” (Benhabib, 1996, p. 72) once an item in placed on a senate’s agenda. The effectiveness of a senate is therefore dependent on additional conditions: “The first condition focuses on the substance of their discussions, the quality of the coverage regarding these discussions, and finally the quality of the conclusions” (Weingartner, 1996, p. 122).

Taking this as a starting point, motions are the normal parliamentary routes by which proposals are considered by a group (Sylvester, 2004). A motion is a proposal made by a member that the organization does something. Only one motion is to be
considered at a time, although while one motion is under consideration, some secondary motions can be made if urgent or relevant to the pending motion, in which case consideration on the original motion is suspended until the secondary motion is dealt with.

Once a motion is seconded the chair states the motion for all to hear and debate opens on the motion. The purpose of debate is to get information and not just to hear why someone is in favour or opposed to an idea. Robert’s Rules of Order guides debate and the duty of the presiding officer is to keep control of the debate, but also to see that during debate all facts – pros and cons – come out in discussion so that the assembly can make an informed decision. Then President David W. Atkinson explains this nicely when he shared that senate discussions are often noisy, administratively messy and populated by individuals willing to express their opinion and the challenge, from his point of view, is not to bring bureaucratic order to the free exchange of ideas, but to operate efficiently within the disorder (David W. Atkinson, personal communication, unknown date).

It is only within such settings that “the stunning capacity of debate and deliberation amongst diverse equals” (Villa, 2000, p. 12) can generate meaning that is significant in a given context. Robert’s Rules of Order gives some assurance that dissensual space, necessary for deliberation, is maintained. It is within such a space that individual senators have adequate opportunity not only to be heard but also to “come to understand the opinions of others when we work toward grasping their point of view” (Dolan, 2000, p 265). In essence, discussion, debate, and deliberation help us pool information against a background of asymmetries and in doing so assist us in developing what Arendt refers to as enlarged thought. Such discussion, however, while open-ended, must not be formless dialogue; it must have a disciplined character to it. As Bickford
writes “we do not simply blurt out our opinions; we are responsible for them, expected to
give an account of why we think what we do” (Bickford, 1996, p. 87) and willing to
forgo posturing or the temptation to “impress one another as *dramatis personae* but talk
to one another with a view to action-in-concert” (Waldron, 2000, p. 209). This tension
between competitiveness and co-operation is well captured by Arendt when she writes
that “the drawn-out wearisome process of persuasion, negotiation, and compromise”
(Arendt, 1963, p. 86-87) is necessary if politics is to legitimately address anything.

Robert’s Rules of Order, although outlining rules of debate that assist in
addressing issues through a tradition of civility, consultation, and mutual respect, also has
a downside in allowing debate to be closed down by calling the question prematurely or
by tabling a discussion. There is no doubt political action is not seen as efficient by many
since it takes time, but stopping debate or calling the question too early can diminish the
potential for senators to fully grasp the parameters of what can be extraordinarily difficult
and perplexing issues. The appreciation of the difference between social spaces and
public spaces and how some rules and procedures better support efficiency while others
better support the legitimacy of a decision is important to keep in mind since it is the
capacity for speech and action that creates and sustains public spaces. In essence, senators
must exercise some caution in closing debate because termination also shuts down the
public space.

**Moving Decisions from the Public Space into the Social Space**

Senate decisions, once made, are funnelled into university structures in a variety
of ways. I will comment on three as they assist in understanding how action not only
links with work and labour but also how action enters into webs populated not only by
those “with conflicting wills and intentions” (Arendt, 1958, p. 184), but also “open to the reading and misreading of others” (Benhabib, 2000, p. 112) giving a fragility and unpredictability to action. First, the amended University Act directs a senate of a special purpose teaching university to advise the board of governors on education policies related to specific matters and requires a board to seek such advice. Implicit within this requirement is an understanding that those who are deemed able to give such advice have the necessary knowledge and experience to give such advice. In turn, seeking advice implies that any such advice received must be considered in a fulsome manner and if not accepted, reasons provided. Under Section 35.2(6) of the University Act thirteen such matters are identified. I will not comment on each of these matters but draw attention to select matters that suggest how a senate plays a more influential versus functional role in a bicameral model of governance.

First, a senate must advise a board on the mission and educational goals, objectives, strategies, and priorities of a university. Prior to the implementation of a bicameral governance model at Kwantlen this process was largely carried out by the Board of Governors relaying what it had decided to the rest of the institution. Although they undertook this responsibility seriously and listened to faculty representatives on the Board many within the institution were taken by surprise when the Board announced, prior to Kwantlen becoming a university, that its vision for the institution was to be “Canada’s Number One Teaching University,” such a goal described as “big hairy and audacious” (Collins & Porras, 1994). Without full debate of the faculty, without whom such a goal could not be achieved, many within the institution simply ignored the Board’s statement. The current legislation gives Senate the opportunity—and responsibility-- to
advise the Board so that its decisions better reflect the underlying culture, hopes, and fears of Kwantlen faculty and students.

Giving advice is also interpreted by the new senate as a legal power and when interpreted in this manner they have, in certain instances, exercised their statutory authority advancing advice without being asked. In initiating conversation in areas in which they should be asked for advice and advancing such advice to the Board they were met by some unrest given the structures and processes in co-governance were still in the early stages of development and a trust and understanding between the two bodies not well established.

Second, senate also functions through the development of and advice it provides in relation to policy. Policy has been defined as “the implicit or explicit specification of courses of purposive action being followed or to be followed in dealing with a recognized problem, matter of concern and directed towards the accomplishment of some intended desire or set of goals” (Taylor, Rizvi, Lingaard & Henry, 1997, p. 24). It is linked to regulation, consistency of treatment, due process, and standard operating procedures giving a degree of stability in an unpredictable world. I use this relatively narrow interpretation of senate’s role in turning value-based decisions into text; I do not intend to review policies, but point out that policy is developed in a specific and contextualized time and place and therefore needs to be interpreted not only in context but also in terms of the historical setting and target audience it is meant to address. Policy must also be open to review and debate in order to protect plurality and maintain a common world where we are connected but not the same.
Procedure is how policy is implemented and can shift policy, which belongs in the public space, into the social space where it is implemented through administrative and bureaucratic channels. Policy thus ties the public to the social space being both a process and a product. Discussion, deliberation, and persuasion prior to the articulation of the text or decision belong in the public space, contestation starting from the moment an issue appears and is played out in regard to whose voices are heard, whose values are recognized, and which groups will ultimately benefit. When policy is administered it moves into the social space, but because it is never value-free will always have an umbilical tie to the public space.

Third, senate decisions often require someone to do something and these functions are funnelled from the public space into administrative structures with their related processes for implementation. As an institution becomes larger, these structures become more formalized and separate, often leading to the rise of managerialism, resulting in tensions between bureaucratic and professional authority. Necessary to keep at the forefront in considering the problematic of establishing and sustaining a senate’s role in a bicameral model of governance is that no one would claim, I trust, that administration is itself a university. Administration must always be filtered through the lenses of mission, mandate, vision, board of governors’ authority, senate’s authority, and president’s authority. For Arendt, administration is outside politics, because administration entails implementing the means, within acceptable parameters, of political decisions. It thus functions, for the most part, in the social space through the activities of labour and work. It is naïve, however, not to appreciate how the issues administrators face in carrying out policy can themselves become value-based decisions that need to be
funnelled back into the public space—a political decision. In my experience, many of the issues that arise in relation to the incursion of management into governance occur when bureaucracy is disconnected from the politics of legitimation—or in Arendtian terms, the social displaces the public.

I end this chapter by addressing two forces that often challenge the senate as a public space: the board of governors, ensconced in a history of unicameral governance, and a faculty union, entrenched in a history of co-management. I have elected not to include the role and legislative authority given a president; I have referred to the role of David W. Atkinson throughout my exploration of the problematic of establishing and supporting Kwantlen’s nascent senate in carrying out its legislative responsibilities and it is largely his appreciation and support of senate that has underpinned my understandings of how a senate functions as a co-governing body in a university. Given Kwantlen has an Acting President at the time of writing this thesis and a new president about to begin his term, I note, where it has been relevant, the role of a president. I cannot critique the interim years after David W. Atkinson left because I had retired and comment only on what is public information important to the problematic I am exploring.

The Senate and the Faculty Union

It would be fair to state that the government did not fully appreciate the changed dynamics that a senate brings to a new university, whose roots are in the college system. Kwantlen, with its underpinnings originating in Douglas College, began as all other community colleges in British Columbia did with a faculty union gradually evolving from local, informal arrangements to formal arrangements with the unionization of all non-administrative employees. Prior to the government’s establishment of a College Task
Force in 1973 recommending college faculty be considered employees, as defined by the newly established BC Labour Code, faculty had organized themselves through the 1960s and the early 1970s as individual faculty associations under the Societies Act. The terms and conditions of faculty appointment, including compensation, were set out in institutional policies established by each college and agreed upon informally or negotiated, in a very loose usage of this phrase, by a college’s faculty with their local college administrators and boards. This resulted in provincial variances, that were deemed acceptable given a college’s contextual circumstances and close ties with its community.

With the introduction of the BC Labour Code in the early 1970s college faculty were allowed to organize and become certified as trade unions and bargain collectively with their employers. The earlier processes, that tended to be more collegial in nature, changed as collective bargaining under the BC Labour Code introduced a formal process guided by multiple provisions outlining not only collective bargaining procedures, but also mechanisms of strikes, lockouts, and picketing if said processes were not leading to an agreement suitable to both parties. The role, intentional or not, given faculty associations in the day-to-day running of colleges and institutes was further reinforced when the government amended the College and Institute Act in which personnel and labour relations are explicitly addressed. This includes the earlier noted definition of faculty member that specifically ties it to a collective agreement as well as a section dealing with personnel matters including application of the Labour Code and collective agreements. In contrast the University Act has no language that references a union or a faculty association.
This thesis is not meant to provide a history nor critique labour relations in the college and institute sector in British Columbia therefore I will provide some points that help situate my problematic within the context of legislative changes that impact structures and practices long established under different legislation. First, faculty associations’ history as trade unions is embedded in a complicated interaction between government and community colleges. In the late 1980s the post-secondary system began experiencing fiscal restraint after years of sustained growth; the provincial government introduced a 3% reduction in grants and faculty associations united to protect jobs and working conditions. The College Institute Educators of BC (CIEA) was formed, this later morphing into the Federation of Post-Secondary Educators of BC (FPSE). Polarization developed between college faculty unions and their employers who formalized themselves into a sector (Post-Secondary Employers Association of BC) in order to engage a now centralized faculty union.

Without the benefit of a formal body responsible for academic issues, faculty associations gained responsibility and power in representing faculty on many academic issues prior to the formation of education councils. Faculty associations continued to be the primary voice for faculty after education councils were established. With the introduction of a senate and the accompanying ambiguity in the legislative language, unions did not initially see a statutory expansion of faculty authority outside their jurisdiction. They therefore became increasingly concerned about some decisions the new senate was making as it took on its co-governing role. Complicating this unease was a collective bargaining arena in which the rules had become fuzzy, if not, in their opinion, put in abeyance. To date the question of whether the establishment of senates takes away
the ability of a faculty union to represent its members in discussions about working conditions is unresolved since it is quite difficult to define precisely what terms and conditions of employment include. The new university was, in consequence, faced with a senate who saw its decisions as having legislative authority and a faculty union determined to represent its members in matters that the senate believed were within its purview. This led to some startling confrontations worth noting and still not, as best I understand, resolved.

One prime example is a July 30, 2010 submission by the Kwantlen Faculty Association and the Federation of Post-Secondary Employees to the BC Labour Relations Board citing unfair labour practice backed up with examples of decisions made by Senate. In essence, what began as a series of tactical disputes emerged as a strategic confrontation between the Senate and the Faculty Association. One example is a recommendation Senate passed in December 2009, contained in an Academic Planning and Priorities document: “Create a new structure for faculty search and hiring that provides a broader department wide faculty and student involvement and that is predicated on principles of transparency and openness” (Kwantlen Polytechnic University Senate Standing Committee on Academic Planning & Priorities, 2009, December 18).

The purpose of this document was to provide advice to senate with regard to academic priorities, so that Senate in turn could provide advice to the Board in establishing the University’s budget for the coming year. The complaint alleges that this issue is either a present violation of the Collective Agreement or will become a violation if some action is taken in the future without negotiating such action with the union. This issue does not fall within the topics on which Senate must advise the Board and the Board
must seek the advice of Senate. Part of the web in which this advice was entangled is a paper, entitled *Proposed Search and Hiring Process* passed by the Humanities Faculty Council that includes principles that butt up against seniority rights and regularization language and broaden the composition of Search Committees. One could contend, based on these actions by faculty members, that there was a basic disconnect between some faculty members and their union and they saw Senate as a space in which to voice their opinion on select matters.

A second issue raised in the complaint is a mechanism to discuss the development of an academic rank and advancement system based on measures of merit that I noted earlier in the chapter and addressed by Senate through the establishment of a Task Force. Within this particular web is reference to a document prepared by the Social Sciences Faculty Council titled *A New Model for Faculty Workload: Research and Rank*. The issues raised in this document were forwarded to Senate as an indication of interest by this faculty in seeing the issue of research and rank discussed.

A third issue cited in the complaint is one related to a report prepared by the Senate Standing Committee on Curriculum and forwarded to the Vice President Academic for follow up. The report focuses on student success and course modes as an attempt to offer suggestions regarding how to serve the diverse needs of students. Part of the history underpinning the report is the largely unexamined practice of offering the same 3-credit course in either a 3-hour or a 4-hour per week format dependent on the time of day and existing timetable matrix. Since course credit is a matter of curriculum, the Senate Standing Committee believed it had the authority to address the academic question of the impact on student success of offering the same 3-credit course in different
time arrangements. They were clear in differentiating course hours and its translation into credits from faculty contact hours. Given how the two tie together, however, the faculty union believe the personnel issue should be addressed either first or simultaneously and at minimum they should be at the same table where discussion occurs, while the Standing Committee believes the academic discussion should occur first and any impact resulting from these discussions on faculty working conditions addressed by the University with the Faculty Association.

As if there were not already enough contiguous issues between the nascent Senate and the Faculty Association collective bargaining also entered an overcrowded web when the Chair of the Board of Governors in a December 01 2009 letter to the Faculty Association writes

It is possible that there are some current provisions in the collective agreement that were bargained in good faith at the time but that deal with areas that may now be under Senate’s jurisdiction. If, in the future, the Senate, in carrying out its statutory duties adopts policies that may conflict in whole or in part with the existing collective agreement language, our understanding of the law is that such a conflict would render those parts of the collective agreement in conflict with the particular Senate policy void and of no effect. (Nicoll, 2009, p. 1)

The purpose of providing these examples is to underscore the complexity in reconfiguring a new university’s internal governance when the web it is entering has other actor groups who are impacted and ensconced in a different history, culture and practices. Complicating this reconfiguration is the lack of case law regarding what an education policy is since it is this language that the senate has sole authority over, advises
the board on, or can fetter a board if it needs senate’s agreement. What is evident, from a review of Senate minutes as well as those of its Standing Committees during the first four years, is a belief that policy, although having potential employment implications, is developed through a different process than that of collective bargaining. There is a sense that involving the faculty union in discussions opens a door for bodies external to Kwantlen, such as mediators, arbitrators and labour boards, to make determinations on what are essentially academic decisions.

The Senate and the Board of Governors

In addition to the faculty union contesting the nascent Senate’s authority, the Board of Governors is also adjusting to their changed role in a bicameral model of governance, a transition made all the more difficult given the amendments to the University Act dealing with special purpose teaching universities that seem to obfuscate a clear distinction between the powers of a board and the powers of a senate. While a board retains general authority for a university, and very specific authority over the business affairs of an institution, a senate’s authority seems more circumscribed and does not go as far as that of BC’s research intensive universities relative to being an independent decision-making authority. As well, there is a further element of ambiguity concerning how a board and a senate are to interact, which suggests that neither a senate nor a board may exercise authority independent from the other on many academic matters. This interaction is accomplished primarily through the development of policy. While not having been given the same authority in the legislation as that of BC’s research university senates, the senates in special purpose teaching universities are not a peripheral body and a board is required to jointly involve them in decision-making in a number of matters. In
particular, it is worth noting that a board must consult with a senate regarding rules respecting the management, government and control of the real property, structures and land of the university; seek senate approval to establish procedures for the recommendation and selection of candidates for president, deans, librarians, registrar and other senior academic administrators; and consider recommendations from the senate for the establishment of faculties and departments with suitable teaching staff and courses of instruction.

Prior to establishing a workable structure and processes by which the Board and the Senate could adjust to their new working relationship and without fulsome discussion on the distinction between joint involvement and separate jurisdiction, visible conflict arose between the Board and the Senate that is important to describe since it serves as the catalyst for a joint Board/Senate Task Force charged with developing a mutual understanding and recognition of each of these bodies’ responsibilities. The impetus for this conflict was the resignation of David W. Atkinson as President and a decision by the Board to appoint an interim president while a search was conducted for a new president. Senate took exception to this appointment. They acknowledged that under Section 27(2)(h) of the Act, a Board can appoint an acting president if the president is absent or unable to act, or if there is a vacancy in that office, but believe that a four-and-a-half month period prior to David Atkinson’s departure was sufficient time to allow the Board to comply with the Act and meet with Senate in an expeditious manner for both parties to fulfill their joint obligation under Section 27(2)(f) cited above. The Senate in its February 2011 meeting passed a motion of non-support with regards to the announced leadership transition. They pointed out that the Board had not complied with legislation and that this
requirement is not optional but mandatory. Faculty councils, in turn, reinforced Senate’s position and six of the eight councils had resolutions read into the record of Senate minutes. A seventh resolution, from the Humanities Faculty Council, was cited earlier in this chapter, and also read into the record of Senate minutes at a later meeting. These resolutions were consistent with each other, supporting Senate’s position in relation to searches for senior academic administrators.

There are some notations in minutes from Senate meetings that the Board Chair and Vice-Chair, representing the Board of Governors, took Senate’s feedback in a serious manner and although they did not change their position on the appointment of an interim president, set up a Joint Task Force to help establish not only a better understanding each has in governing the university, but also to begin the development of an emerging sense of partnership and a set of understandings sustained by the confidence in each other as co-equal branches of governance. It is also worth noting that Senate reviewed the Presidential search procedures the Board had drafted and made a number of suggestions, all of which the Board accepted save one. The suggestion the Board elected not to accept was “the definitive criteria will be forwarded to Senate for approval” changing this to “the definitive criteria will be forwarded to Senate for advice.” In addition, the Board proposed a Task Force to determine the criteria for a new President, the membership to include the chairs of Senate standing committees, five Board representatives, two dean representatives, and two senior administrators. Senate considered this proposal and endorsed it.

Visible conflict among co-governing bodies, I contend, is a sign that constituents are engaged in addressing important issues and an effective governing process should
surface and provide opportunities to work through conflicts. When this does not occur one is reminded of the case of *Kulchyski versus Trent University* (*Kulchyski v. Trent University* (2000)). Briefly in 1999-2000, the Trent University community became fractured over a proposal to close two of its residential colleges. The proposal was opposed by the University’s senate and became a jurisdictional dispute with the board of governors. It brought to the forefront the complexity in separating a senate’s power over educational policy, in this case the suspension of programs at the residential colleges, and a board’s right to make decisions regarding finance and physical plant. These matters are fundamentally interwoven. An earlier external review of the university’s governance had highlighted omens of an already fragmented relationship prior to the board’s decision to close the residential campuses (*Arthurs & Lorimer*, 1997), noting that while power sharing is implicit in a bicameral university polity, each side had stopped listening to the other and took stances they would not then compromise on. One can see, with no clear means for dispute resolution outside of judicial review, how the situation erupted as it did. In Kwantlen’s case, the actions of the Board of Governors to respond to Senate’s concerns seems consistent with Duff and Berdahl’s statement that “successful functioning (in a bicameral model) will depend more on the goodwill and mutual trust of the participants” (*Duff & Berdahl*, 1966, p. 86) than on language legislated for their co-operation.

**Summative Comments**

Chapter Four has been a review and critique on beginnings, in this case the fundamental reconfiguration of internal governance at Kwantlen Polytechnic University with the establishment of a senate as a public space where individuals with differing
value systems and points of view can come together and engage in debate and discussion regarding the common good of the university. Beginnings are worth our attention because they signify not only a degree of departure from what precedes them, but also an attunement to seeing an event as an occasion for response (Markell, 2006). In the case of Kwantlen, as a nascent university, the introduction of a bicameral model of governance offers an opportunity for individuals to take on a critical role in co-governing the institution. It is the nature of beginnings that they can be difficult, but at the same time open up new possibilities, new points of departure from previous ways of acting or not acting, of taking responsibility for the common good of a new university in a transition to a future it cannot yet define. It is also an opportunity to cast off a cloak of allowing others to represent one’s position and to take on the responsibility Arendt describes as “to think what we are doing” and thereby insert ourselves into the space of appearance within the broader public interest or common world. I will attempt to capture these significant points in a more robust manner in Chapter 5.
CHAPTER FIVE: A UNIVERSITY SENATE’S ROLE IN ARTICULATING A PUBLIC SPACE

The introduction of a bicameral model of governance within an institution with a history and culture of unicameral governance, centralized decision-making, and an industrial style approach to labour-management, created important challenges that needed to be addressed. The change in governance model brought to the forefront pre-existing college traditions and values that had to be rethought and reconfigured by those within the institution, including its Board of Governors, in order to implement the new governance model. This scheme, characterized by “overlapping spheres of power and influence” (Kerr, 1973, p. xvi), introduces two parallel chambers both responsible for decisions regarding the new university that affected the faculty union’s historically dominant role in representing faculty positions, and the administration’s centralizing decision-making approach. It soon became clear that simply invoking a new governance system that attempts to balance power between the professional authority of faculty and the external authority of a largely lay board of governors would provoke challenges and potential reconfigurations of power among multiple stakeholder groups. In retrospect, the impact of these shifts in power among constituent groups had not been fully appreciated by the government or by many within Kwantlen who had so fervently lobbied for university status: They neglected the warning of scholars such as Mill (1975) who explains that “…the political constitution cannot be durable unless preceded or accompanied by an altered distribution of power” (Mill, 1975, p. 154). Indeed, the provincial government seemed to believe that establishing the necessary legal,
administrative, and organizational components was sufficient to create bicameral governance, a stance that ignored the complex and difficult issues rooted in representation, equality of status in public debate, quality of and willingness of various constituents to participate, and differences in weight of parallel chambers. This approach created a complex problematic underlying my focus on the role of a senate in a new university.

To assist me in exploring this problematic I elected to focus on a senate’s role as a public space in which faculty have jurisdiction over academic matters, an emphasis based on an exploration of how universities came into being, were supported by, yet subsequently challenged church and later nation states for quasi independence. In particular, select historical narratives going back to medieval times in the Christian West and Islam were highlighted, illustrating the relationship between the professional authority of faculty and the power of church and state.

In addressing these narratives I explored the idea of the public as it concerns the role and responsibility of a university senate with particular reference to the context of a new university with a history of unicameral governance. I chose this focus in order to examine the common critique of university senates that they fail to achieve true faculty participation in broader university matters, instead focusing more narrowly on curriculum, faculty hiring and evaluation, neglecting the powerful social, economic and technological forces driving changes in universities (Dunderstadt, 2004). Many critics argue that university senates are sound in principle but flawed in practice, glossing over how the demands of legitimacy--associated with the more collegial processes of faculty decision-making--and effectiveness--associated with the more market-driven discourse of boards
of governors--inextricably penetrate each other. Discourses of legitimacy in Western higher educational institutions are grounded in democratic ideas, prime among these is that those impacted by a decision should have the opportunity for argumentation and participation within plural communities where others may not necessarily share values and beliefs.

Perfect democratic governance--where all affected debate issues as equals so that “the unforced force of the better argument” (Habermas, 1996, p. 306) wins—is a “counterfactual ideal”--like democracy itself. Democracy, however, is not only an ambition, but also a continuous, everyday practice of co-operation and deliberation, reflecting the diversity of human nature and “…the heterogeneous and conflicting interest to which this diversity gives rise” (Wollheim, 1975, p. xvii). The democratic process aims to tap into the political, moral and intellectual assets of the entire community (Mill, 1975). Given the ideal character of democracy, the complex challenges confronting universities and the diverse populace of both Canadian society and Canadian universities, the challenges confronting university governance are indeed daunting.

I contend that a key resource in addressing such challenges is an understanding of the public space and its relationship to democracy and democratic governance—hence my interest in the work of Hannah Arendt. One of the leading political thinkers of the twentieth century, Arendt attempted to confront the crucial political events of her time, including the nature and historical antecedents of totalitarianism, and developed both etiology and remedy. Her diagnosis involved the disappearance of both public and private spaces under conditions of modernity, collapsing both into the social—a space where individuality and difference disappears. Arendt’s remedy involved reconceiving political
life by revitalizing public space: For her, political life crucially depends on the stability of publics that were both spaces of appearance where people could appear to one another and common worlds where very different people could work out how they might live together. More importantly, however, she also linked public and private in new ways. The private--ideally--becomes a space of sanctuary and refuge making participation in a sometimes agonal public possible; the public--again ideally--becomes a space where legitimacy is debated and decided. Benhabib (1996, p. 211) explains: “We not only owe to Hannah Arendt’s political philosophy the recovery of the public as a central category for all democratic-liberal politics; we are also indebted to her for the insight that the public and private are interdependent”.

With this as background I will offer ten conclusions and observations. First, the concepts of public, private, and social spaces allowed me to enter the thicket of analyzing and understanding the reconfiguration of governance in a new university with a fuller appreciation of and respect for the circularities of responsibilities and interdependence between core academic activities, the external accountability of a board, the functions of administration and the role of diverse interest groups in the complex interrelationships that exist within one institution. At the same time these lenses drew attention to how financial, legal and administrative discourses can become dominant and erode the public space by severely restricting discussion and debate.

Based on this observation I contend that those in leadership positions can influence whether a senate will be reduced to a procedural role or become a forum to debate and determine university directions. Individuals in leadership positions, including senators, need to accept their responsibility to ensure that senates becomes authentic
public spaces; in particular, leaders need to attend to the importance of the political aspect of issues by recognizing that such concerns require collective deliberation because they are matters of shared concern which we “cannot figure out with certainty” (Arendt, 1979, p. 317). I hope that senators are sensitized to the importance of the public space and better appreciate how the mechanisms underpinning the social should not be substituted for spaces of association in which people act together on questions of common interest.

Third, there is little research on the complex interrelationships between boards of governors, senates, administration, university presidents, and other internal and external stakeholders in higher education. The Arendtian lenses of public, private, and social spaces can address these challenges—especially important for new universities with little or no experience with bicameral governance. A robust understanding of a senate’s multiple responsibilities will assist in ensuring no single obligation displaces all others: in Arendtian terms, the social space should not displace the public, but the need for full public debate has to be balanced with operational responsibilities. Not everything can be debated by everyone if anything is to happen. If this appreciation is not at the forefront, allegations of dysfunction made against bicameral governance will quickly emerge. Indeed, with the creation of many new universities in Canada recently, the context is timely for research in bicameral governance: Studies from a number of perspectives are possible, including that of senates, boards of governors, presidents, administrations and constituent groups. In turn, such research may assist those working in more established universities to review their senate’s functioning in support of a university’s responsibilities in “the acquisition of knowledge in the mission of research, the
transmission of knowledge in the mission of teaching, and the application of knowledge in the mission of public service” (Sanders, 1973, p. 58).

At the same time, the social has a role in university governance: An appreciation of a senate’s responsibilities to contribute to the efficient functioning of the institution (Arendt’s labour and work) helps value these activities while ensuring they do not displace the importance of action in the public arena. Indeed, a senate’s responsibilities for labour, work and action require both public and social spaces. Keeping these distinctions in mind can help to ensure that those matters that require public deliberation are carried out in the public space while administration is not neglected. This separation is, of course, not so simple: matters of legitimacy and efficiency are not easily determined and the divisions themselves must be challengeable in some fora.

Fifth, Arendt’s public depends on the private: Benhabib (1996, p. 215) explains: “The recovery of the public world is impossible and unlikely without a parallel reconstruction of the private sphere.” People need private spaces in which to sustain themselves; they need a space “that protects, nurtures, and makes the individual fit to appear in the public realm” (Benhabib, 1996, p. 213). The capability of newly appointed senators is not determined by the outcome of an election: Some senators will enter the chamber with more honed abilities, including the capacity to engage in public dialogue, than others. Private spaces that allow the development of communicative virtues become essential as the “…deficiencies of a democratic assembly, which represents the general public, are the deficiencies of the public itself, want of special training and knowledge” (Mill, 1975, p. 229).
Furthermore, an appreciation of the rise of the social and how it displaces the public provides a different route through the thicket of academic capitalism, a phrase coined by Slaughter and Leslie (1997) in describing policies that focus on marketization and revenue generation initiatives in the public higher education system. Metcalfe (2010), in revisiting Slaughter and Leslie’s (1997) earlier work, notes the concern of many scholars with marketization, commercialization and commodification of post-secondary education that has occurred since the earlier study. The lenses of the public and social spaces can provide important theoretical resources to understand how this discourse has become associated with higher education.

Seventh, there is also a need to explore the ambiguity in the new legislation creating teaching-intensive universities that seems to obfuscate distinctions between the powers of a senate and a board of governors. By neglecting to consult affected institutions and by inserting components of the more restrictive College and Institute Act (Plant, 2007) in new legislation, the government created confusions and tensions. Differentiating university mandates raises fundamental questions of governance and its impact on universities’ responsibilities to promote the acquisition of knowledge in the mission of research, the transmission of knowledge in the mission of teaching and the application of knowledge in the mission of public service. Campus 2020 introduces new discourses that need to be recognized, challenged, and debated in multiple public spaces. To date, this has not happened in British Columbia.

Eighth, the Arendtian framework of public and social also alerts those in leadership positions to monitor the ambiguity in the University Act’s language that can have an impact on future negotiations between faculty unions and boards of governors.
For example, including the requirement for a board to consult with senate can lead to the conflation of educational policy questions with economic and workload issues.

Ninth, while the Arendtian framework gives insight into the challenges of introducing a bicameral model of governance into an institution whose history is that of unicameral governance, her work can also assist in orienting those new to a bicameral governance system. I should add a caution: Using Arendt’s language—e.g., public, private, social, labour, work, action—requires learning new meanings for familiar words, generating some confusion itself.

In ending I want to emphasize that establishing a senate alone cannot guarantee the creation of a public space, a space in which the free articulation of divergent and distinct interests has the potential to impact discussion on broad education policy. The legal structures and processes provide only the possibility for such a space. Closely related with this understanding is Pitkin’s contention that we live in the social, but still have the capacity to create public spaces in which we address issues of common concern (Pitkin, 1998). Nuanced within this understanding is that a fund of happenings – of beginnings – will always exist if the contexts in which action occurs are not eroded. It is for this reason that universities and their senates must safeguard the structures and practices that allow for rich discussion through which events are identified as requiring public debate, contestation and revision. In accepting this responsibility, there is always the possibility to “think what we are doing” (Arendt, 1958, p. 5).
REFERENCES


Canadian Association of University Teachers. (2004). *CAUT policy on governance: Where we have been and where we should go.* Ottawa: Author.


Finsen, L. (2002). Faculty as institutional citizens: Reconceiving service and governance work. In L.A. McMillin & W.G. Berberet (Eds.), *New academic compact (Revisioning the relationship between faculty and their institutions)* (pp. 61-86). Boston: Anker Publishing Company, Inc.


182


Rosser, V.J. (2003). Historical overview of faculty governance in higher education. In M.T. Miller & J. Caplow (Eds.), *Policy and university faculty governance* (pp. 3-17). Greenwich, CT: Information Age Publishing.

*Royal Commission on the University of Toronto*. (1906). Toronto, ON: King’s Press.


