

# **Governance in the University of California: The transformation of politics into administration<sup>1</sup>**

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## **Introduction**

The University of California (UC), on its nine campuses and its many properties and institutional connections all over the world, has an operating budget of over eleven billion dollars (1996-97),<sup>2</sup> over 160,000 students and almost that many employees. Within the state of California this University is one of three segments of public higher education, the other two being the California State University (CSU) on some twenty-two campuses with some 330,000 students, and the community colleges on some 100 sites around the state with over a million students taking its courses. By law the University of California has a monopoly in the public sector on the awarding of the doctoral degree and a near monopoly on research; it also admits the most academically able of the graduates of California high schools. It is important that students in the other two public sectors are earning credits which would allow them to transfer at some point in their careers to the University, and many in fact do. Alongside the public sector are a large number of private universities and colleges, the best known being Stanford University and Cal Tech.

Any summary of the governance structures and processes of such an institution would take a long book, unfortunately one still to be written. To discuss how this system is governed, how myriad decisions are made about and within it, large and small, is not the work of an essay. So rather than work descriptively through the main elements in the governance of the University, I will try instead to explore what I see as the overriding aims and purposes behind the University's forms of governance and administration. I believe that we can understand a good deal if we see

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<sup>1</sup>Paper prepared for a German-American conference "The University in Transition," March 17-21, 1997, Berkeley, California. Published in Higher Education Policy, March 1998, pp. 1-15. This paper might equally as well have been subtitled "The minimization of conflict."

<sup>2</sup> If the budgets of the three big national laboratories administered by the University are excluded, the operating budget of the University is then about \$8.5 billion. Of this, only about \$2 billion come from the state of California. So the University is not precisely a state university, but a state-aided university. But those phrases do not properly define the relationship of the University of California to the state's government.

these as embodied in two broadly shared principles in the University, shared by regents, presidents, chancellors and academics, principles of action shaping how the University relates to the outside world and how it governs itself. These two principles are first, the maximization of the University's autonomy -- its capacity to direct its own affairs; and second, the pursuit of preeminence -- or how to become or remain the best university in the country in every possible department, service and activity. This latter is the principle that Neil Smelser has called "competitive excellence" -- a kind of excellence that is measured in comparisons with other leading research universities in this country and abroad.<sup>3</sup> In common language we want to be number one, and we want to be able to govern ourselves. These are not merely abstract principles or ideals; they are the criteria by which much of what is done in the University is directed and assessed.

These two values or principles are mutually reinforcing. University autonomy allows the university to remain largely meritocratic in its academic appointments and promotions, and, within limits, in student admissions and non-academic staff appointments as well. And the vigorous pursuit of competitive excellence gives the University the world-wide reputation that is the major bulwark and support for its institutional autonomy.

These criteria together lead the University in a variety of ways to resist both political pressures from outside, and also the introduction of partisan political forces into the governance of the University. The first kind of resistance, against external political pressures, is the obvious defense of the University's autonomy; in the US, a populist and politicized society, that is a continuing struggle, especially for public universities in California. The resistance to partisan political activity within the University is thought by most participants to be necessary to preserve it as a meritocracy guided by the principle of competitive excellence, and that only a severely meritocratic institution can maintain its academic quality and leadership.

Partisan politics - the politics of party and interest - is pursued with great passion in the United States, as we all know. And a central question throughout our history has been to what extent it is either desirable or

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<sup>3</sup> Neil J. Smelser, "Growth, Structural Change, and Conflict in California Public Higher Education, 1950-1970," in Neil Smelser and Gabriel Almond, eds., Public Higher Education in California, Berkeley, University of California Press, 1974, pp. 9-143.

possible to insulate any public institution from the influence of party politics. One device used by many European nations has been to create a civil service which in its own spheres of competence is to some degree independent of the political currents of the day. And the autonomy of universities in some European countries, with Germany as the model, is in part procured by treating academic scholars and scientists as members of the civil service, and thus protected from direct political influence in their intellectual work.

The United States did not go in that direction. But that has left the question of how American universities, and particularly public universities dependent on public funds, could be insulated from the direct play of party politics and political influence. Not all American universities have succeeded in that effort, or have been uniformly successful throughout their histories. This University has been remarkably (though not totally) successful in resisting political influence, which may partly account for its extraordinary success as an institution. Of course the University has seen plenty of conflict with political overtones, and been exposed to a good deal of external political pressure over the years. But it is fair to say that despite these pressures, the University has preserved a very large measure of autonomy, certainly by comparison with other American public universities. These sweeping judgments would need a great deal of amplification to be persuasive. But rather than discuss these political disputes and pressures, I want to suggest that the central goal and function of our governance machinery is to resist those pressures, and to remove their causes as far as possible. I am talking about what governance in UC tries to do and, indeed, what it exists to do, and not the more complicated question of how successful it is or has been.

### **The resistance to politicization**

The foundation of resistance by the University to political influence was first laid down in the Constitution of the State in 1879, which declares that the University is a "public trust" and that its organization and government should be "entirely independent of all political or sectarian influence, and kept free therefrom in the appointment of the Regents and in the administration of its affairs..."<sup>4</sup> This clause in the state Constitution

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<sup>4</sup> Verne A. Stadtman, The University of California 1868-1968, New York, McGraw Hill, 1970, p. 82

does not deflect all efforts by governors and legislators to influence the character and direction of the University, but it is a powerful if largely symbolic force asserting the autonomy of the University against the play of domestic politics.<sup>5</sup> Moreover, other elements in this clause in the Constitution established the principle that the state's contribution to the support of the University come as a block grant, in ways that make it difficult for politicians of whatever stripe to intervene into the private life of the University -- into its internal arrangements -- through the vehicle of the University's budget. The state does not support this or that chair or department or school or campus; it provides the money to the University as a whole, which then decides on its internal allocation. I need hardly say that legislators and governors are not shy about indicating their preferences respecting various aspects of the University's operations, and not infrequently try to link their support for the University's budget to the University's attention to or even compliance with their wishes. Senior University administrators spend a fair amount of time in discussions with various officials of the state government, both in the executive and legislative branches, and the University is sensitive to their concerns, as a public university ought to be. But in principle, a principle that is strongly defended, it remains finally the decision of the University what activities it pursues, and how it spends its funds.<sup>6</sup>

The University's capacity to defend itself against partisan political interference in no way rests solely on the protection built into the California Constitution of 1879. Moreover, this resistance to political interference from outside has extended to a distaste for political activity inside the University as well, and a preference for administration over governance. Let's look briefly at some of the other ways the University tries to minimize the role of politics in the University.

## **UC is not a democracy**

One way of reducing the play of politics within the University is not to have many occasions for voting. And there are very few occasions for

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<sup>5</sup> Symbolic, because University lawyers are reluctant to actually test the constitutional protection in the courts for fear that it would not sustain the weight of institutional autonomy placed on it.

<sup>6</sup> The Legislature often attaches "budget language" to a budget it passes, indicating its interests in the way the budget is used by the University, and pointing to particular activities or conditions it wants to see the University honoring. The University is sensitive to these indications of the Legislature's wishes, and can anticipate having to explain how they were followed, or why they were not. But the University will not conform to such "instructions" if they seem to violate its sense of its own autonomy.

voting in the University's governance structure. Whatever else the University of California may be, it is not a democracy. And that is perhaps strange, located as it is in the most populist state of a broadly populist country, a state in which significant laws and revenue sources are commonly initiated and passed by the whole electorate, laws which override those made by the representative houses of the Legislature. But starting with the Regents, 18 out of the total of 25 are appointed directly by the governor then in office when a place is vacant, and those are the regents who actually do the business of the Board; there are seven ex officio members, four of whom are elected state officers who with some exceptions rarely attend meetings of the Board; two are elected by the UC Alumni Association for one year terms.<sup>7</sup> The seventh ex officio member is the President of the University. The appointed members of the Board of Regents serve for twelve years, ensuring that they will serve beyond the term of the governor who appointed them. A regent can be reappointed, but cannot be dismissed except for criminal behavior; in fact none ever has been dismissed. All this is designed to make them independent of the governor who appointed them, at least over time.

The Board of Regents appoints the president of the University, with the advice of the Academic Senate; the Board also appoints all chancellors on the advice of the President and a Senate committee. Chancellors appoint all the senior academic and non-academic administrators: they appoint the provosts and deans, and the latter appoint department chairmen, though usually on the advice and with the participation of the department in question, and sometimes of a committee of academics from other departments. Of course a good deal of consultation goes on in connection with these appointments, but basically academic administrators are appointed by their superior officers, and can be and indeed occasionally are dismissed by their senior officers. The contrast here with European practice is very marked indeed, and largely accounts for the far greater power wielded by these academic officers as compared with their counterparts overseas. Incidentally, all these officers except for department chairmen serve without limit of term, another aspect of their office which strengthens their hands.

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<sup>7</sup> The Regents themselves elect a student regent for a one year term.

## **The Academic Senate and the academic community**

If we are to find democracy anywhere in the University, it should be in the Academic Senate. But here too we see an aversion for democratic political processes in favor of appointive procedures and consensual decision-making. The model is a guild rather than a bureaucracy, but guilds are no more formally democratic than bureaucracies.

But first a word about the academic community. In UC the Academic Senate consists of the whole body of academic personnel, from the newest assistant professor to and including Emeriti professors. All have an equal standing in the Senate, all have all its rights and privileges. Indeed, it is important to stress what American academics, and not just at UC, take for granted, that almost every assistant professor who gains tenure will, in the fullness of time, become a full professor. Merit and market together will affect how fast he or she makes that transition, but promotion is chiefly a matter of salary anyway. There is no mittlebau, no body of academics who are not professors and not likely to become professors. So there is no significant conflict of interest between professorial ranks -- and so no need for a separate representation of that class of academic personnel in the governance structure, or for the representative bodies in which, after appropriate campaigns and elections, such defined and distinct categories of academic personnel would be represented.

Moreover, like other leading American research universities, UC does not have an academic trade union. That is to say, the academics do not bargain collectively with any authorities about pay, working conditions, fringe benefits, or anything else. Thus, there is no organization at the heart of the university whose interest it is to cultivate and organize discontent, and to find allies for its positions in the larger political parties of the society. The Academic Senate, which I have already said consists of all the regular academics in the University, from assistant professor up, and some other senior academically linked administrators as well, manages its business through a variety of committees. But these committees are for the most part not elected. With some few exceptions, on each campus they are appointed by one committee that is elected - a Committee on Committees.<sup>8</sup> To become a member of that committee one

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<sup>8</sup> Each campus arranges its own Senate rules. Currently, most campuses, but not Berkeley, also elect their

cannot actively run for election -- indeed to be seen to want to be elected is almost certainly to fail to be elected. One is nominated by a group of friends and admirers, and other members of the Senate vote for candidates on their judgment of the character of the nominee or of his/her nominators. But any connection with external political links is kept at some distance through the absence of campaigning. One result is that members who are elected or appointed to any Senate committee have no obligations to any faction or group of constituents, and can speak in their own voices and as prompted by their own judgment and conscience. The absence of these external commitments eases the emergence of the compromise and consensus that are the basis of almost all actions by Senate bodies. One might go so far as to suggest that the exclusion of factional and party organization within the governance structure of the University is precisely to allow for decisions to be made as the outcome of (sometime prolonged) discussion and the search for consensus, both in Senate bodies and in their relations with administrative officers.

The Academic Senate in this University has rather more formal power and authority than is common in its counterparts in other American research universities. Roughly, and very briefly, Senate bodies have primary responsibility for the academic programs on the several campuses, for the appointment and promotion of academic staff, and more ambiguously, for the criteria for the admissions of students -- though this latter has been at the heart of a real controversy within the University over the past two years. Beyond that, it is consulted and advises on everything else -- but its weight in those consultations varies with the issue in question. Outside the realm of teaching, research, student admissions and assessment, and academic appointments and promotions, the role of the Senate is to react to initiatives by administrative officers: to reject them when they seem at odds with academic values or procedures, to improve and refine them, and ultimately to legitimate administrative decisions and actions for the whole body of academics who can then believe that their interests and values are being protected. All this is known in the University as "shared governance." Above all the Academic Senate works through consultation and advice, and in its quest for consensus, often very slowly. Wise administrators take that into account, and are patient. Problems arise when decisions have to be made quickly, or administrators claim that they do. But when the Senate is working well with administrative officers, whether on a campus or in the President's Office,

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Divisional Chair as well as their Committee on Committees.

the actions and decisions taken gain a measure of legitimacy and the willing acquiescence of the academic community that is required for anything in a university to be done well. The existence and work of the Academic Senate creates a climate on our campuses of what might be called "responsible inattention" to the many and remote activities of the University beyond the scholarly and scientific horizons of the academic staff. For the ordinary academic, the existence of the Senate and its committees lets them get on with their real work of teaching and research in all their manifold guises.

### **On treaties and bureaucratic agreements between the University and state government**

The aversion to internal political dispute is linked to the University's resistance to external political pressures. Internally, as I have noted, we have no trade union, no politicized contest for office. But in addition, the University goes to some lengths to reduce the ordinary issues of dispute and controversy. For example, one issue that is commonly a source of controversy, in this country as well as abroad, between the academic community and the administrative officers, civil servants or politicians who determine such things, is the level of academic pay -- either for all academics, or for different ranks. But at least since WW II, UC has not experienced a significant controversy between the academic community and internal or external authorities over the issue of compensation. No one in the University comments on this peculiar fact because it is so taken for granted. How is this possible? Well, briefly it is because we do not negotiate our own broad salary schedules, but let other American universities do it for us. And that is through an agreement with the state legislature, and the appropriate civil servants in state government, that our salaries, rank by rank, will be roughly comparable to and competitive with the salaries of eight other named (and leading) American research universities, four public and four private. Their salaries are published, and are the guidelines for ours, the principle being that UC must be paid about as well as these other institutions if we are to be competitive with them for leading scholars and scientists. And while our salaries vary a bit from those averages depending on the condition of California's economy, public authorities still accept in principle that we must be at or a little above the average of these other institutions, and if we fall behind in bad

times we must catch up when times are better.<sup>9</sup> Of course individual academics negotiate their own salaries in a somewhat different way, but that is within the broad guidelines that emerge from this treaty with the state that takes categorical salaries out of contention.

This example illustrates the link between external and internal politics in UC. The University enters into this treaty over how to set academic salaries with the state almost as an equal; the decision over academic salaries does not lie with politicians or civil servants, but has been absorbed into a formula and taken largely out of the political arena. As a consequence, there is one less big political issue within the University for political groups or factions to organize around. This transformation of politics into administration is precisely what Lenin, who lived by the principle of the primacy of politics and conflict, warned against; but then that may be the best recommendation for what we do.

Indeed, it has been the habit and strategy of the University of California, almost from its beginning, to take its operations out of the political arena in every way possible, often by developing stable understandings and agreements with state officials regarding the formulas governing the funding of the University. These agreements cover such matters as the per capita state support for students and faculty, the extent and nature of state support for the maintenance of university buildings and facilities, as well as the agreement for setting academic salaries and increases. These agreements outlive governors and other elected officials, and provide an important insulation against the hostility or political gestures of governors, (and we have had some in recent decades of both parties), a basis of stability that gives the University the ability to plan its future with some confidence. The officials in the President's Office who look after these agreements will protest that they are not as stable as I suggest; that they are constantly under review and discussion, and need to be carefully tended by senior administrators and by the president of the University himself. Yes, of course, and that is an important part of the work of the Office of the President; but those formulas and treaties are by and large still in place after the financial strains of the early '90s. and

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<sup>9</sup> "The governor's budget for UC also calls for .... employee pay increases equivalent to an average 2 percent salary increase ..... and additional funding equivalent to a 3 percent parity increase for faculty. That funding would bring faculty salaries to within 1.6 percent of the average pay at UC's eight comparison institutions. This is a priority of Regents, who hope to close the faculty salary gap by 1998-99. " "UC begins discussion of long-term fee policy. " UC Focus, vol. 11, No. 3, February/March 1997, p. 7.

substantially reduce the direct influence of political considerations in the funding and operation of the University.

I said a moment ago that when our senior administrative officers negotiate an agreement with the state over some aspect of university life, and state funding for it, we meet with them almost as equals. The University has a considerable capacity to defend itself politically, though not primarily through the instruments of partisan politics. The University of California has 800,000 living alumni, including the current Governor of the State, some 30% of the state's legislators and a quarter of California's congressional delegation in Washington, along with many leaders of business and industry. President Richard Atkinson has noted that among the many business leaders and entrepreneurs who are UC graduates are the chief executive officers of Intel Corp. and Sun Microsystems.<sup>10</sup> Moreover, the University makes very considerable efforts to bind its students and alumni to the University with ties of loyalty and affection, sentiments that are potential sources of support both material and political. But this kind of support does not rest on sentiment and loyalties alone. The University's long-standing commitment to public service of every kind has the effect of creating new friends and strengthening ties to groups and segments of the community who have never been to the University. Broad support in the society at large is always potential political support; and it helps to protect the University against the direct intervention of political interests into the life of the University. To a considerable degree it is the University's latent political power that insulates it from direct political interventions. And that latent political power, arising directly from the University's long-standing commitment to public service, is a major element in its ability to maintain its institutional autonomy.

Another treaty between the state and the University, perhaps the most important of all, is the Master Plan, fathered by Clark Kerr and embodied in state law in 1960. The Master Plan also serves to reduce the role of politics in the life of the University, in this case by defining in an authoritative way the relations between the University and the other segments of public higher education. Of course there are controversies between the University of California and the California State University, not least over the allocation of limited state funds available for higher education. But the Master Plan does in fact limit the nature and extent of

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<sup>10</sup> Annual Financial Report, University of California 1995-96, p. 5.

such controversies: for example, it rules out the possibility of what is elsewhere called "institutional drift" -- the tendency of non-university institutions to seek to gain full university status, complete with research resources and the right to award the doctoral degree. In many countries universities are continually struggling with what they see as the threat of the elevation of non-university institutions into the university sphere, with the consequent dilution of research resources and, as they fear, also the dilution of university academic standards. The Master Plan prevents that by assigning the three segments distinct spheres of work,<sup>11</sup> and by making clear that no CSU campus will be promoted to the status of a UC campus, however hard it might lobby in the state capital. That takes a big issue out of the political arena. Still, the California State Universities do offer Masters degrees, and many of their graduates continue their education as graduate students in UC. And they have the name and standing of universities -- though not research universities. European academics and civil servants can hardly imagine a university without a strong commitment to research, which makes this particular compromise there more difficult.

The University employs formulas to reduce controversy both internally and in its relations with the state. In 1996, in what he called "University of California's Budget Initiative," the President surrendered his power to allocate the state's block grant among the nine campuses, a power which of course entailed chronic controversy among the campuses and with the Office of the President (OP) over that allocation. Instead, in agreement with the chancellors, the OP agreed to allocate the grant on a formula based on student enrollments on each campus. This reduces the OP to something like a conduit of state funding directly to the campuses. The OP thus loses a measure of influence over campus policy and practice, but effectively takes the allocation of the annual state allocation out of controversy.

And further, just now the University is exploring the possibility of writing yet another treaty with the state that would commit the state to "provide ...UC with at least their current proportional share of the state's general fund budget, currently about 4 percent."<sup>12</sup> The formula would start with that level of current funding, but also commit the state to adjust future state support to both the growth in enrollments and also to growth

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<sup>11</sup> In addition to the three public segments -- UC, CSU and the community colleges -- the Master Plan also recognizes and provides a place for California's many private colleges and universities.

<sup>12</sup> "UC begins discussion of long-term fee policy," op. cit., p. 1.

in the California per-capita personal income.<sup>13</sup> It also ties student fee increases to California's per-capita income growth. Such an agreement would reduce the political influence of students on the legislature, allow fees to grow slowly and predictably, while stabilizing the portion of the University's income that comes from state sources. If the state government agrees, as currently seems likely, this would take yet another set of controversial issues out of the political arena.

There are of course downsides to the minimization of conflict within the University, and the substitution of administration for governance. The principle behind this policy is to drive as many educational decisions as possible down from state government, and from the Regents and the Office of the President to the campuses, then to their schools and colleges and departments and on to the individual faculty members who are presumably most competent to make academic decisions. The policy necessarily weakens the Office of the President and strengthens the chancellors; much of the power devolved to the campuses remains with the chancellors, who are not so anxious to devolve authority as is the President. The chancellors are also currently greatly strengthened by the rapid increase in private giving, almost all of it to the campuses rather than to the University as a whole, putting very large amounts of discretionary money in their hands.<sup>14</sup> All this is at the expense of the concept of "One University on nine campuses," of the power of the President to innovate and lead, and, incidentally, also of the power and influence of the Academic Senate, both system-wide and on the campuses.

But the right balance of power between the center (the Office of the President) and the campuses is itself a controversial issue. My point here is that most of the formulas described above, many ironically developed on the initiative of the President, have weakened the role of University governance and decision-making in relation to administration, and have shifted the center of gravity of the University to the campuses. The University today, for good or ill, is more a confederation of largely

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<sup>13</sup> The potential agreement is embodied in AB (Assembly Bill) 1415 (Bustamante), "The Higher Education Partnership Act of 1999," published by the University of California, July 8, 1997. My thanks to Associate Vice-President Lawrence Hershman, Director of the Budget for UC, for a helpful conversation on these issues, though he is not responsible for my interpretations of its effects on governance.

<sup>14</sup> For example, Berkeley received over \$182 million in 1996/97 in gifts from 66,000 contributors. "Direct state support now accounts for 38 percent of the campus's budget, compared with 52 per cent in 1985." ("Campus Gets More Gifts in 1996-97," The Daily Californian, August 8, 1997.) Of course many of those gifts are earmarked for particular uses by the donor, but that still leaves large sums at the discretion of the chancellor.

autonomous campuses than the federal university that it was even five years ago. But the Office of the President still has important functions to perform. One of these is to buffer the campuses from the direct pressures of political forces as reflected in state government.

### **A buffered university**

The University, and all its campuses, deal with the State of California through the Office of the President, and not through the chancellors. That means that the campuses, where the actual teaching and research goes on, are buffered by the Office of the President, full of administrators who have a lot of experience dealing with the state government, both executive and legislative branches, and thwarting its interventions. Much time is spent by senior administrators dealing with elements of state government over issues of whose very existence the University's scholars and scientists are mercifully kept in ignorance. Not only does the Office of the President buffer the campuses from direct involvement with state government, but the President and his staff, and all the chancellors are buffered in turn against intrusion by state government by the Board of Regents, who hold ultimate legal authority over all aspects of University life, and effectively control all its assets. It is absolutely crucial for the autonomy of the University that the Regents are inside the University, rather than an arm of government.

The Regents have considerable freedom to avoid public discussion of controversial issues, and to delay taking action on issues that are politically sensitive. Often, though not always, time drains the passion out of an issue, and allows it to be avoided altogether, or to be resolved quietly and administratively, rather than noisily and politically. A current example is the issue of providing University benefits to same-sex partners:

"An unlikely coalition that includes Regent Ward Connerly is pressuring the University of California to offer benefits to same-sex partners. But UC administrators -- still recovering from the bitter affirmative action controversy -- have been working hard to keep the issue out of the public cross-fire. 'We've known it's a looming issue and we won't escape it, but we have all the big issues we can deal with right now,' said one regent, who requested anonymity."<sup>15</sup>

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<sup>15</sup> Pamela Burdman, "UC Pressed on Partner Benefits," SF Chronicle, 5 April, 1997, p. 1.

## Markets as a substitute for politics

There are still other forces and circumstances which reduce the direct impact of politics on the University. One of these is the role of competition in various kinds of academic markets. I have mentioned that the overriding value of the University, around which consensus always crystallizes, is that of competitive excellence -- the common wish to be, and to be seen to be, the best university in the country.<sup>16</sup> The reputation of the University as a whole is an aggregate of the reputations of its nine campuses and of their academic departments and professional schools. Moreover, the University has been remarkably successful in persuading governors and legislators of the importance of this ideal, and even of the costs of achieving it. With this shared value always implicit in the University's decisions and actions, many of them become less controversial. To take an example close to home: in the late sixties a number of the leading research universities with whom Berkeley compares itself had established or were considering the establishment of a graduate school of public policy. Perhaps the best known of these was and is the John F. Kennedy School at Harvard. A distinguished political scientist at Berkeley successfully proposed the creation of such a School here. It has its own unique character, but it was created with less controversy than if the University as a whole were not committed to being in the vanguard of intellectual developments, both in the scholarly and scientific disciplines and in the education of professionals .

Or to take a much larger example: in the early and middle '80s there were signs that the quality of work coming out of some of Berkeley's departments of biology was falling behind those of its major competitors. This unwelcome discovery occasioned a quick and substantial reaction: working together, University leadership (the then Chancellor and Vice-Chancellor of the Berkeley campus) and the leading biologists on campus developed radical plans for revamping the biological sciences on campus, involving both fundamental restructuring of the departments of biology and the building of major new buildings for conducting advanced biological research and engineering.<sup>17</sup> This activity almost completely

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<sup>16</sup> This is a central concept in the essay by Neil Smelser, *op. cit.*

<sup>17</sup> Part of this story is told in Martin Trow, "Leadership and Organization: The Case of Biology at Berkeley," in Rune Premfors, ed., Higher Education Organization: Conditions for Policy Implementation, Stockholm: Almqvist and Wiksell, (1984), pp. 148-178.

bypassed the Academic Senate in favor of specialist committees of biologists selected by top administrators and the leading scientists on campus -- and there was little or no protest from the Academic Senate. In the service of competitive excellence, of the simple passion to be Number One, the crucial decisions were too important to be left to the amateurs who happened to be leading the local Senate at the moment. And the Senate recognized and accepted that, as well as the leading administrators.<sup>18</sup>

Toward the end of his tenure in office, Chancellor Tien opened a meeting with German colleagues with a dramatic story about the recent recruitment of a highly prized biologist from another university. The cost of the new laboratories required to recruit the man ran to some four or five million dollars, money provided by a call from the Chancellor to a particularly generous donor. The story reflects the joint power of the market, the Chancellor and trust as alternatives to politics in university governance. The minimization of politics on and in the University has as its major goal the preservation of a Chancellor's power to take this kind of dramatic action. It is no accident that the Chancellor chose to illustrate what he can do with his freedom and the discretionary money he raises by pointing to the recruitment of one of those outstanding scholars and scientists who in the aggregate determine the quality of work done here, and thus the University's rank and reputation among the universities of the world. Harvard and Princeton may not trumpet their success in quite this way, but their presidents and provosts do exactly the same thing, which is why we call the principle that guides this behavior "competitive" excellence, or perhaps, the competitive pursuit of excellence.

Trust is another alternative to politics as a determinant of action. The recruitment of this scientist required an act of trust on the part of the donor, to whom there will be no real accountability for her gift beyond her knowledge of how it was spent, and perhaps a statement or demonstration of the University's gratitude for it. We might also observe in this story the measure of trust displayed by the Academic Senate, which would have been consulted on whether the scientist met Berkeley's standards for appointment, but probably not on the financial negotiations and commitments that brought him here. The Senate could acquiesce in that appointment, I believe, largely because it was so clearly driven by the

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<sup>18</sup> The current Dean of the Biological Sciences has made reference to this reform as necessary "in order for us to maintain a high visibility [in biology] in the country."

shared commitment to competitive excellence, and the shared pride in the University's national standing that is so powerful a force in this University. We might reflect a moment on the concentration of power and authority in the hands of a Chancellor in this University so long as he can be seen as furthering the institution's reputation and academic standing among its peers. And that in turn is a function of the institution's autonomy. The University of California is in part a public institution, but in very large part a private corporate body. And much of what we call governance is designed to keep it that way.

### **On the size of administration, the variety of support groups, and university autonomy**

I have been speaking of the minimization of organized political controversy both within the University and in its relations with its environment, and especially with state government. But if that is the case, what are all these administrators doing? The numbers are huge by European standards: roughly a thousand employees in the Office of the President alone, and many more on each campus. There are several answers. One is that the governmental ministries (including the Treasury) that elsewhere are concerned with science and higher education are here largely inside our own structures, and the civil servants and managers who elsewhere would be public employees are here employees of the University.

The other reason is best suggested if I simply point to the groups and organizations in the larger society which have a genuine interest in the University, and are part of its support system -- who give it money or political support or both. And in reviewing these groups and organizations, keep in mind that the University employs people to attend to its relations with all of them. The list would include state and city governments, diverse and uncoordinated departments and agencies of the federal government, the University's large and important Alumni Association, the trade unions which represent substantial numbers of UC's support staff, foundations and other friends who contribute substantial funds to the University every year, many academic organizations, including those which grant the University its formal accreditation, business firms with whom we have important and growing connections, to name only a few. Nor should we forget the many individuals and groups who take us to court over real or imagined grievances, and for defense

against whom the University employs a large staff of lawyers. The diversity of our interests, the many links between the University and the rest of civil society as well as governments, and above all the diversity of our sources of financial support are pillars of the University's autonomy, but also explain the size and diversity of the University's administrative staff.<sup>19</sup>

## "Failures" of UC governance

There have been at least four occasions since WWII when one felt the presence of external politics inside the University strongly. The first was in the late forties and early fifties during a period of intense popular anti-Communism, when the President and Regents together imposed a special oath on the faculty requiring them to attest that they were not Communists. The faculty resisted, a number of leading scholars and scientists resigned rather than sign the oath, and other non-signers were dismissed.<sup>20</sup> The special oath was later withdrawn. In 1967 President Clark Kerr was dismissed by the Regents under pressure from then Governor Ronald Reagan, reflecting his hostility toward Kerr arising out of the events associated with the Free Speech Movement.<sup>21</sup> In the third event, during the eighties and early nineties a significant proportion of the faculty urged the Regents, unsuccessfully, to end the University's administration of two national laboratories, at Livermore and Los Alamos, which were then active in designing nuclear and other weapons. The fourth event, in July 1995, involved the decision by the Regents to end the practice of giving preference in admissions and academic appointments to members of particular racial and ethnic groups.<sup>22</sup>

All four cases involved strongly held political sentiments arising out of issues in the larger society which forced their way into the University. In the first case, the faculty faced pressures from the Regents and senior administrators, and from outside forces, but were divided in their responses. In the second, Kerr's dismissal evoked a strong positive response from the faculty in his support. In the other two cases the faculty

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<sup>19</sup> Though there are legitimate questions about whether it has to be quite as big as it is.

<sup>20</sup> David P. Gardner, The California Oath Controversy, Berkeley: University of California Press, 1967.

<sup>21</sup> Verne A. Stadtman, op. cit., pp. 487-493. The story will be told in detail in Clark Kerr's forthcoming history of his own service to the University of California

<sup>22</sup> One perspective on these events can be found in Martin Trow, "A Divided UC Faculty Seeks a Path to Consensus on Affirmative Action," Public Affairs Report, Institute of Governmental Studies, UC Berkeley, Vol. 37, No. 2, March 1996, pp. 9-13.

was split nearly down the middle. It is fair to say that in all four cases the governance process that I have described failed to insulate the University from the direct effects of external political sentiments and pressures. As for their lasting damage, the key question is what effect these events had on the level of trust within the University, between Regents and President, and between administrators and the Academic Senate, a climate of trust without which these informal arrangements and consultations at the heart of "shared governance" could not work. My own judgment is that the Oath Controversy gave rise to deep resentments within the University toward the then President and Regents, which dissipated only over time as that President and most of the Regents involved left the University. But the net result may well have been the strengthening of UC's autonomy, and also of academic freedom in the face of external political pressure. The firing of Kerr was clearly an arbitrary intervention from outside driven by the Governor's personal hostility toward the President, was broadly unpopular within the University, and had little effect on the governance of the University subsequently. Indeed, like the Oath Controversy the reaction was so strong it may well have made a politically motivated dismissal of a UC president less likely thereafter. The movement by a group of engineers and scientists to force the surrender of the University's ties to the national labs was dealt with through the regular procedures of University governance, and in my view had little effect on the climate in the University, especially after the end of the Cold War and the substantial shift of the work in both labs toward civilian projects.<sup>23</sup> Finally, the controversy over "affirmative action" in the University is still ongoing. It may have deeper consequences for the climate of trust within the University than any of the others. All parties are currently making efforts to repair the damage to the governance processes that resulted from the events surrounding the Regents actions of July 1995, but it will be some years before we can assess the full effects of the controversy on the University.

## Conclusion

I have tried to suggest that the central function of governance in this University is to resist partisan pressures from outside the University, allowing it to respond only to those which it chooses, and so far as possible

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<sup>23</sup> This controversy should perhaps not be labeled a failure of governance, but is included as an example of the intervention of national political issues directly into the life of the University.

excluding partisan politics from its internal life. Those efforts in turn are aimed at the preservation of the autonomy of the University, of its capacity to make its own decisions, govern its own life, both intellectually and materially. Governance and administration in UC together aim to keep crucial academic decisions inside the University so far as possible; and once there, have them made on their merits, in the service of the value of competitive excellence through the processes of what we call "shared governance." We do not always succeed, either in the first aim or the second. It is even less certain what the future may hold for these jealously defended principles. But it is still fair to say that those are the aims and principles by which the University is governed, in every sense of that word, and by which it will continue to be governed in the immediate future.

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