
In Defense of an Independent and Representative Faculty Voice: The Case of Faculty Senates

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As part of the broader political assault on college and university autonomy, shared governance, and academic freedom, some state legislatures recently have restricted or eliminated the authority and independence of faculty senates and other similar representative bodies. Such actions go against long-standing principles of academic governance and, in doing so, erode the ability of higher education institutions to carry out their mission.

The *Statement on Government of Colleges and Universities*—the most prominent articulation of these principles—was jointly formulated in 1966 by the American Association of University Professors, the American Council on Education, and the Association of Governing Boards of Universities and Colleges. The *Statement* clarifies the distinct roles and responsibilities of governing board members, administrators, faculty members, and students in institutional governance and recognizes that effective collaboration and communication among these components requires a robust system of shared governance. Unlike corporate governance models, which are designed to represent the interests of shareholders, higher education institutions must be governed by “joint effort” based on a “community of interest” and “mutual understanding” among their components if they are to fulfill their missions, achieve their goals, and solve problems.

Effective governance, the *Statement* observes, requires that important institutional actions must involve the “decision-making participation” of all the institutional components and that each component’s voice in any decision should be weighted according to its “responsibility for the particular matter at hand.” In those areas where the faculty has primary authority by virtue of its expertise and responsibilities—including “curriculum, subject matter and methods of instruction, research, faculty status, and those aspects of student life which relate to the educational process”—its decisions should be “essentially definitive” and be overturned by an administration or governing board only “in rare instances and for compelling reasons which should be stated in detail.”¹

Effective governance demands not only mechanisms for faculty participation in day-to-day educational decision-making but also deliberative bodies in which the faculty may collectively debate and decide issues of concern to its members. The structure and procedures for faculty participation in governance should, according to the *Statement*, “be

1. “Statement on Government of Colleges and Universities,” *Policy Documents and Reports*, 12th ed. (Johns Hopkins University Press, 2025), 119–24.

designed, approved, and established by joint action of the components of the institution.” However, the *Statement* is clear that wherever faculty representatives are expected to speak and act on behalf of the faculty, they “should be selected by the faculty according to procedures determined by the faculty.”²

In addition, the *Statement* emphasizes, “An agency should exist for the presentation of the views of the whole faculty.”³ The configuration of this agency will vary depending on an institution’s size, mission, and political environment. At some, mainly smaller, institutions, the agency may take the form of general meetings of the entire faculty, often referred to as the faculty assembly or faculty senate; at larger institutions, it may take the form of a smaller elected group to represent the entire faculty, which may be called an academic or faculty senate, council, or assembly and which may function under a variety of institutional arrangements. Here we will for convenience’s sake refer to any such deliberative body of the faculty as a whole as a *faculty senate*, acknowledging that this body may take several legitimate forms under various titles.

For almost sixty years, the principles outlined in the *Statement on Government* have provided a framework for “appropriately shared responsibility” and “cooperative action,” not only for an institution to operate effectively, but also for the “protection of its integrity against improper intrusions.”⁴ Such intrusions can come from many sources: the federal government, state legislatures, corporate entities, donors, and special interest groups, among others. The *Statement* recognizes that coordination between trustees, administrators, faculty members, and students is essential in maintaining a unified institutional voice that, when necessary, is capable of countering political pressure. To maintain the educational quality and the academic integrity of institutions of higher education, the faculty must have a mechanism that enables it to speak and act collectively on institutional matters and participate fully in the decision-making

process through a transparent and functional system of representative governance. Faculty senates provide the primary means through which the faculty as a whole exercises its responsibility in the “joint planning and effort” required to effectively lead academic institutions and safeguard them from improper political interference or ideological subjugation.

The Attack on Faculty Senates

Several states have taken troubling and ill-advised steps to curtail the power of faculty senates in their public institutions. In Indiana, legislation that gave the governor sole appointing power over Indiana University’s board of trustees and subjected tenured faculty members to “productivity” quotas that could lead to termination also decreed that “faculty governance organization actions are advisory only.”⁵ Sweeping legislation in Ohio that eliminated diversity, equity, and inclusion (DEI) programs and attacked union rights also made clear “that all feedback and recommendations by the faculty senate, or comparable representative body, is advisory in nature.”⁶ In Utah, legislation stated that “a president may, in the president’s sole discretion, seek input from the institution’s faculty.”⁷

Encroachment on faculty senates’ independence and authority has also come from the federal government. In July 2025, the Civil Rights Division of the US Department of Justice opened an investigation into George Mason University’s faculty senate for having passed a resolution defending its first Black president and the university’s diversity programs against politically motivated accusations of discrimination. As part of the investigation, the Justice Department demanded “drafts of the faculty resolution, all written communications among the Faculty Senate members who drafted the resolution, and all communications between those faculty members and the office of the university’s president, Gregory Washington.”⁸

2. “Statement on Government,” 123. The AAUP’s 2013 statement “Confidentiality and Faculty Representation in Academic Governance” adds that “except in personnel matters, imposing a precondition of confidentiality on faculty representatives serving on institutional governance bodies is incompatible with AAUP-supported governance standards” (*Policy Documents and Reports*, 12th ed. [Johns Hopkins University Press, 2025], 142).

3. “Statement on Government,” 123.

4. “Statement on Government,” 119 (quoting the headnote).

5. H.B. 1001, 124th Gen. Assembly, Reg. Sess. (Ind. 2025), <https://iga.in.gov/pdf-documents/124/2025/house/bills/HB1001/HB1001.06.ENRS.pdf>.

6. H.B. 96, 136th Gen. Assembly, Reg. Sess. (Ohio 2025), https://search-prod.lis.state.oh.us/api/v2/general_assembly_136/legislation/hb96/07_EN/pdf/.

7. Utah Code § 53B-2-106 (2024), https://le.utah.gov/xcode/Title53B/Chapter2/C53B-2-S106_2024050120240501.pdf.

8. Vimal Patel, “Faculty Support of George Mason’s President Draws Federal Investigation,” *New York Times*, July 28, 2025, <https://www.nytimes.com/2025/07/28/us/justice-department-george-mason-faculty-senate-investigation.html>.

That the intent is to severely limit the authority of faculty senates, curtail academic freedom, and remove virtually all of the faculty's decision-making responsibility is made clear by the most dramatic assault on faculty senates and shared governance yet, approved by the Texas legislature this spring, signed by the governor in June, and put into effect this fall.⁹ The legislation, Senate Bill 37, declares that "a faculty council or senate is advisory only and may not be delegated the final decision-making authority on any matter." It weakens the governing role of faculty members and administrators by redefining that role merely as being available for "appropriate consultation" by the governing board. With this undermining of shared governance principles, the legislation amounts to an autocratic takeover of public institutions, as it clearly states that "the principle of shared governance may not be construed to diminish the authority of the governing board to make final decisions in the best interest of the institution, students, and taxpayers." The claim that a governing board, whose members rarely set foot on campus, let alone in a classroom, is in a position to make the best decisions for the institution and its students is farcical. In addition, the law states, "Shared governance structures may not be used to obstruct, delay, or undermine necessary institutional reforms or serve as a mechanism for advancing ideological or political agendas." The determination of whether actions constitute an "ideological" or "political" agenda is left in the hands of politicians, not scholars or academic experts, and further weakens academic institutions by making them more vulnerable to censorship and political intrusion.

The Texas law not only limits faculty senates' authority; it also restricts their composition in dangerously improper ways. Contrary to the principle that faculty participation in academic governance be designed and implemented by "joint action," the Texas law states that "only the governing board of an institution of higher education may establish a faculty council or senate." And if a board decides to establish such a body, the institution's president is authorized to prescribe how it conducts meetings and to appoint the "presiding officer, associate presiding officer, and secretary." In addition, unless the college or university's board decides otherwise, senates may have no more than sixty members and must include at

least two representatives from each of the colleges and schools that constitute the institution—including "one member appointed by the president or chief executive officer of the institution" and the rest elected by the faculty of the particular school or college. As a result, half the members of a faculty senate might be chosen by the president if an institution's board does not grant exemptions from these requirements. The law also sets term limits for senate members. Presidential appointees may serve up to six consecutive one-year terms, but faculty-elected members can serve only two years before a mandatory two-year break. The law also empowers a university's administration unilaterally to remove a senator for failing to attend meetings or conduct their "responsibilities within the council's or senate's parameters" or for "similar misconduct." On August 21, the University of Texas System Board of Regents and the University of Houston System Board of Regents voted to abolish faculty senates and to establish "toothless" advisory bodies consistent with the provisions of the new law.¹⁰

The Texas law may be the most extreme assault on shared governance yet, but, given the political atmosphere in many states, it may well prove a model for further and perhaps even more extreme assaults elsewhere. In this context, therefore, it is essential to reemphasize the necessity and importance of shared governance and to highlight and examine the indispensable functions faculty senates have played.

Why Faculty Senates?

As noted above, the *Statement on Government* holds that an institution's faculty "has primary responsibility for such fundamental areas as curriculum, subject matter and methods of instruction, research, faculty status, and those aspects of student life which relate to the educational process."¹¹ This authority is vested in the faculty to safeguard the educational mission and intellectual integrity of higher education institutions. As the AAUP's statement *On the Relationship of Faculty Governance to Academic Freedom* notes, "Scholars in a discipline are acquainted with the discipline from within; their views on what students should learn in it, and on which faculty members should be

9. S.B. 37, 89th Leg., Reg. Sess. (Tex. 2025), <https://legiscan.com/TX/text/SB37/id/3249603>.

10. Emma Whitford, "Texas University Boards Abolish Faculty Senates, Create Toothless Councils," *Inside Higher Ed*, August 22, 2025, <https://www.insidehighered.com/news/faculty-issues/shared-governance/2025/08/22/tex-boards-abolish-faculty-senates-create>.

11. "Statement on Government," 122.

appointed and promoted, are therefore more likely to produce better teaching and research in the discipline than are the views of trustees or administrators.”¹²

We would add to this list of those not qualified to safeguard the quality of research and instruction legislators and governors, who by the nature of their positions pursue ideological and political agendas. Hence the curricular and personnel responsibilities listed above are best addressed by academic departments and by qualified faculty committees.

But institutions of higher learning are not federations of loosely affiliated programs. The faculty as a collective body is entrusted with educational responsibilities that cross disciplinary boundaries, for instance, in providing a coherent and meaningful general education program to undergraduate students. Interdisciplinary research and teaching also demand that scholars from differing, sometimes even divergent, fields be able to discuss and govern their relations. Without an independent and sufficiently representative faculty body to oversee the curriculum and faculty status, an institution may fragment or fall victim to the latest fashionable notion proposed by a centralized administration or, worse, by a politicized board or legislature. S.B. 37 in Texas and other such bills severely limit faculty oversight of the curriculum, especially general education, and remove faculty members from decisions regarding faculty status, such as sanctions and dismissals. Given the complexity of modern universities, it is difficult, if not impossible, to imagine how any body of nonscholars—or, for that matter, any centralized administration—could effectively govern and ensure intellectual integrity in their educational programming without delegating curricular and other scholarly responsibilities to the faculty.

Because an institution’s finances and its allocation of resources necessarily have a profound impact on its educational mission, the AAUP has held that “budgetary decisions directly affecting those areas for which, according to the *Statement on Government*, the faculty has primary responsibility . . . should be made in concert with the faculty.” In that endeavor, “an institution-level body, representative of the entire faculty, can play an important part in mediating the financial needs and the demands of different groups within the faculty and can be of significant assistance

to the administration in resolving impasses that may arise when a large variety of demands are made on necessarily limited resources. Such a body will also be of critical importance in representing faculty interests and interpreting the needs of the faculty to the governing board and president.”¹³

One of the most important roles played by a faculty senate is the protection of academic freedom. As the AAUP has emphasized, “Allocation of authority to the faculty in the areas of its responsibility is a necessary condition for the protection of academic freedom within the institution. . . . It is the faculty—not trustees or administrators—who have the experience needed for assessing whether an instance of faculty speech constitutes a breach of a central principle of academic morality, and who have the expertise to form judgments of faculty competence or incompetence.”¹⁴ Although the AAUP has long insisted that judgments involving alleged violations of academic freedom should be made by a representative faculty committee, it is difficult to imagine how such a committee could be properly constituted absent the participation and oversight of an agency of the faculty as a whole in both the development and implementation of disciplinary policies.

Representation of Faculty Members on Contingent Appointments

The *Statement on Government* notes, “Faculty representatives should be selected by the faculty according to procedures determined by the faculty.”¹⁵ However, the *Recommended Institutional Regulations on Academic Freedom and Tenure* adds, “There should be no invidious distinctions between those who teach and/or conduct research in higher education, regardless of whether they hold full-time or part-time appointments or whether their appointments are tenured, tenure-track, or contingent.”¹⁶ Therefore, it is critical that faculty members on contingent appointments are effectively represented. Any exclusion of faculty members

12. “On the Relationship of Faculty Governance to Academic Freedom,” *Policy Documents and Reports*, 12th ed. (Johns Hopkins University Press, 2025), 36.

13. “The Role of the Faculty in Budgetary and Salary Matters,” *Policy Documents and Reports*, 12th ed. (Johns Hopkins University Press, 2025), 275.

14. “On the Relationship of Faculty Governance to Academic Freedom,” 37.

15. “Statement on Government,” 123.

16. “Recommended Institutional Regulations on Academic Freedom and Tenure,” *Policy Documents and Reports*, 12th ed. (Johns Hopkins University Press, 2025), 84n14.

on contingent appointments from senates is especially detrimental given that 68 percent of all faculty members in US colleges and universities hold such appointments.¹⁷ The remaining 32 percent on full-time tenured and tenure-track appointments cannot alone fight for an independent faculty voice, nor could their voice be construed as representing the whole faculty. Such exclusion, the AAUP observes in *The Inclusion in Governance of Faculty Members Holding Contingent Appointments*, “undermines faculty professionalism, the integrity of the academic profession, and the faculty’s ability to serve the common good.” Moreover, “the exclusion of so many faculty from governance activities undercuts the ability of the faculty to carry out its responsibilities in this area. When half or more of the faculty at an institution may not participate in meetings of the faculty senate, when decisions about revisions to a course are made without input from those who teach it, or when the majority of a department’s faculty has no voice in the selection of its chair, something is amiss.”¹⁸

To these concerns must be added that the exclusion of significant segments of the faculty from governance weakens the ability of all faculty members to unite and resist attacks on the governance system and, ultimately, on the academic freedom of all. As *On the Relationship of Faculty Governance to Academic Freedom* observes, “Sound governance practice and the exercise of academic freedom are closely connected, arguably inextricably linked. While no governance system can serve to guarantee that academic freedom will always prevail, an inadequate governance system—one in which the faculty is not accorded primacy in academic matters—compromises the conditions in which academic freedom is likely to thrive.” It is thus not surprising that attacks on the curriculum go hand in hand with attacks on tenure and on governance. To strengthen the power of the faculty, senates must find ways to dramatically increase the inclusion of faculty members holding contingent appointments while protecting their academic freedom and guarding against retaliation or attempts at coercion of those without the protection of tenure.

Senates and Collective Bargaining

In a 1978 footnote to the *Statement on Government*, the AAUP recognized “collective bargaining, properly used, as another means of achieving sound academic government.”¹⁹ The Association’s *Statement on Collective Bargaining* “affirms that collective bargaining ensures that all academic professionals have an effective role in the governance of institutions.” Further, it asserts, “*The presence of institutions of faculty governance does not preclude the need for or usefulness of collective bargaining.* On the contrary, collective bargaining can be used to increase the effectiveness of those institutions by extending their areas of competence, defining their authority, and strengthening their voice in areas of shared authority and responsibility.”²⁰

The *Statement on Academic Government for Institutions Engaged in Collective Bargaining* further delves into the relationship between collective bargaining and governance: “Collective bargaining should not replace, but rather should ensure, effective traditional forms of shared governance. The types of governance mechanisms appropriate to a particular college or university are dictated by that institution’s needs, traditions, and mission. Since those basic factors are not necessarily affected by the emergence of collective bargaining at a campus, bargaining does not necessarily entail substantive changes in the structure of shared governance appropriate for that institution.”²¹

Faculty unions and collective bargaining, then, are one mechanism for ensuring a strong and effective system of shared governance.²² To be sure, there are weak unions and weak senates, but when each functions properly, the faculty voice is almost always strengthened, to the benefit of educational quality. Experience suggests that collective bargaining agreements can provide enforceable contractual protections for senate responsibilities. And a senate may work with an administration to implement union-negotiated contracts. For instance, it is common for a collective

17. Glenn Colby, “Data Snapshot: Tenure and Contingency in US Higher Education, Fall 2023,” *Academe* 111 (Spring 2025): <https://www.aaup.org/academe/issues/spring-2025/data-snapshot-tenure-and-contingency-us-higher-education-fall-2023>.

18. “The Inclusion in Governance of Faculty Members Holding Contingent Appointments,” *Policy Documents and Reports*, 12th ed. (Johns Hopkins University Press, 2025), 207.

19. “Statement on Government,” 124n5.

20. “Statement on Collective Bargaining,” *Policy Documents and Reports*, 12th ed. (Johns Hopkins University Press, 2025), 311.

21. “Statement on Academic Government for Institutions Engaged in Collective Bargaining,” *Policy Documents and Reports*, 12th ed. (Johns Hopkins University Press, 2025), 313.

22. See Ernst Benjamin, “How Unions Strengthen Shared Governance,” <https://www.aaup.org/sites/default/files/Unions-Shared-Gov.pdf>.

bargaining agreement to stipulate procedures for awarding tenure or promotion, while the senate may be better situated to develop criteria for such awards.

Faculty senates and unions working together can mount a strong defense of an independent and representative faculty voice—especially in these times when the attacks on those voices are coming from multiple fronts.

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The climate of fear and censorship in higher education is alarming. Too many institutions—and too many faculty senates—have been forced into silence and compromise out of concern for their institution’s (financial) well-being or for individuals’ careers. Others are all too willing to defer to external authorities and thereby cede their responsibilities to others. But if there is a message to be heeded in the legislative assault on governance bodies, it is that the enemies of higher education, nonetheless, still fear faculty authority. Why else would they be so insistent on silencing faculty members?

While laws such as Texas’s S.B. 37 are framed by proponents as a “correction” to faculty authority run wild, the actual target of such bills is not the faculty. The attacks on an independent and representative faculty voice substitute propaganda for education, ideology for inquiry, and authoritarianism and corporate management for a system of governance that values expertise and representation over politics or the depth of donors’ pockets. The curtailment of the faculty’s authority in governing higher education institutions today will not only inevitably undermine the faculty’s professional freedoms but, more important, will also spoil the fruit of those freedoms—an independent, intellectually rigorous, and incorruptible education for future generations. ■