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BARGAINING THE IMPACT OF NEW APPROACHES TO INSTITUTIONAL ACCOUNTABILITY

When discussing *faculty* accountability we might disagree on the specifics of evaluation procedures, but we probably agree as a general matter that faculty accountability procedures are bargainable terms and conditions of employment. However, in discussing *institutional* accountability, many (especially administrators, but faculty as well) might question whether the topic is or ought to be a subject of collective bargaining.

Whether institutional accountability—or, more particularly, student outcomes assessment—is an appropriate issue for the bargaining table is a question compounded by less intrusive measures. Proposals for student outcomes assessment have long included apparently non-intrusive metrics, such as standardized exit or “value-added” general education exams, graduation rates and job placements. These metrics do not necessarily require any change in curriculum or faculty terms or conditions of employment; therefore, such metrics might seem inappropriate subjects for collective bargaining. However, student outcomes assessment has included more obviously intrusive measures directly impacting faculty instructional activities as well as student learning. These more intrusive, but often academically preferable, modes of assessment include the National Survey of Student Engagement, which encourages faculty to spend more time interacting with students. A particularly intrusive measure is the introduction of new capstone programs such as senior projects, essays or seminars. But these curriculum-based programs, however academically desirable, have two important limitations. They are expensive and, despite their educational validity, do not easily yield reliable and comparable metrics.

Such academic programs contribute directly to the curriculum and inherently involve faculty participation in their planning and execution. As a result, while academic unions do not directly bargain about these programs, they often address the impact on teaching loads, faculty qualifications and review, and compensation. Moreover, many faculty representatives bargain to protect the faculty role in such curricular innovations, seeking to protect the faculty role in departmental, college and university governance.

Unsurprisingly, many large public universities and colleges have adopted a system of outcomes measures, the “Voluntary System of Accountability” (VSA), which are much less costly to administer and produce simple outcomes scores. By providing precise and comparable numbers on a “College Portrait”

website, schools offer a picture of achievement available to legislators, journalists, and the public.ⁱ Yet the implementation of this approach, however non-intrusive it may appear, will have profound ramifications for higher education in general and faculty in particular. Faculty bargaining agents can and should bargain about both the decision to employ these measures and the impact that these measures will have on the institution and the faculty.

Faculty unions hoping to bargain on matters related to student outcomes assessment may find that administration negotiators will object. As a practical matter, administrators can argue that outcomes assessment is mandatory for the institution. That is, even though the use of these measures is “voluntary” (because not directly required by the Department of Education), it is obviously a response to pressure from the regional accreditation associations and legislatures seeking transparency and accountability. Therefore, institutional bargainers may simply argue that the adoption of such measures is inevitable. However, in its 1991 statement on “Mandated Assessment of Educational Outcomes,”ⁱⁱ the AAUP explained that, regardless of whether outcomes assessment is mandatory, faculty involvement in planning and execution is essential to ensure that the programs and procedures are academically sound.

Administration bargainers may argue further that the use of outcomes exams or other metrics is not an appropriate subject for negotiation because exams and metrics are not, in themselves, terms and conditions of employment. Conversely, the AAUP “Statement on Government of Colleges and Universities,” which describes the shared responsibilities of boards, presidents and faculty in academic administration, accords to faculty “primary responsibility for such fundamental areas as curriculum, subject matter and methods of instruction, faculty status, and those aspects of student life that relate to the educational process.”ⁱⁱⁱ This definition of faculty responsibility not only encompasses a decisive role in the selection of exams and other measures used to assess student outcomes, but also makes clear that the ability of faculty to shape their teaching activity is a basic condition of their professional employment.

The AAUP does not claim that these faculty governance responsibilities simply become faculty union responsibilities with the advent of collective bargaining. Rather, AAUP recommends that “collective bargaining should not replace, but should ensure, effective traditional forms of shared governance.”^{iv} Institutional assessment procedures should reflect the faculty recommendations developed through established shared governance procedures. Where they do not, faculty bargainers should seek to correct this

failure to establish or uphold the shared governance procedures inherently required if the terms and conditions of faculty appointments are to be consistent with their professional responsibilities.

To summarize: the AAUP holds that the opportunity for effective participation in academic decision-making is an essential term and condition of faculty employment and, therefore, a mandatory subject of bargaining. On the other hand, as suggested above, the AAUP does not assert that the *substance* of student assessment procedures belongs at the bargaining table. As with other academic matters, deliberations and decisions should occur through established departmental and university shared procedures. Nonetheless, bargaining agreements should affirm these governance procedures and allow for grievance in cases where the union believes that these procedures have not been respected. In addition, the impact of various assessment procedures may become a matter for direct negotiations, as both impact and the responses may vary with the type of metric or procedure.

Major assessment proposals include capstone and other curricular procedures; measures of student involvement in learning; standardized exams; and student outcomes metrics such as graduation rates, job placement, and student satisfaction surveys. In order to measure so-called value-added, any of these procedures may be linked to measures distinguishing institutional effects from underlying variation in student ability, preparation and support. In the remainder of this presentation, I briefly outline how each of these approaches may be usefully addressed at the bargaining table.

As suggested, those assessment procedures embedded in the curriculum, such as senior essays, senior seminars, academic or community projects, while often academically desirable regardless of their role in assessment, should be planned, reviewed, and conducted by faculty. If current departmental, college and university shared governance procedures are inadequate, they should be strengthened or, where this is not possible, a special committee should be negotiated to provide appropriate faculty oversight. Faculty members need to ensure that these academic programs are sufficiently flexible, permitting for variations in departmental and individual teaching and learning styles and allowing for changes over time. Faculty should protect especially against the rigidities that may ensue if there are efforts to established standardized metrics comparing the quality of student performance in such academic projects. If, for example,

curriculum-based assessment measures are expected to remain the same from one year to the next to ensure comparability, there will be little opportunity to make improvements or adapt to changes in faculty and departmental orientation.

Seminars, senior essays, and special projects are particularly faculty intensive and may, therefore, require review of workload policies. If the university invests faculty resources in this type of program, it may be necessary to deal with the possible impact on other academic programs, such as increases in lecture classes and class size or increased reliance on adjunct faculty to offset the cost of devoting more full-time faculty to the capstone programs. These matters of workload and protection of unit work have implications for academic quality every bit as important as the innovative programs, and are clearly appropriate subjects of collective bargaining.

The issues of workload and the maintenance of a professionally supported and qualified faculty are also impacted by growing reliance on measures of student engagement in learning. The academic value of student engagement in general and involvement with faculty in particular, is well established.^v Yet to the extent that faculty teaching loads grow or institutions increase their reliance on part-time faculty, faculty engagement with students declines.^{vi} Similarly, the introduction of first-year seminars, though attractive as a means of encouraging faculty-student interaction, may excessively divert resources from upper-division programs. Therefore, efforts to increase student engagement scores must be closely monitored, to ensure that they do not counterproductively reshape faculty work or distribution. As with any testing program, it is important also to recognize that the cost of testing includes increasing the number of personnel to administer the tests. As the AAUP reports in the 2008 salary survey issue of *Academe*, substituting support personnel for faculty is already a serious problem; clearly, furthering this trend will not improve student involvement with faculty.^{vii}

The decision of the two major organizations of public universities, the Association of American State Colleges and Universities (AASCU) and the National Association of State Universities and Land-Grant Colleges (NASULGC), to recommend and facilitate systematic outcomes and value-added testing will add substantially to the dubious shift of resources from teaching students to further testing them. Critically, these tests will likely lead to hiring test trainers in addition to more test administrators. As the public universities represented by these organizations are those in which most four-year faculty bargaining

occurs, and because faculty organizations were not consulted regarding the adoption of this program, national faculty associations must consider encouraging equally systematic opposition to this aspect of the so-called “Voluntary System of Accountability” (VSA), if they are not otherwise able to ensure proper development and administration of published metrics.^{viii}

Although individual campuses are free to choose from three standardized tests of critical thinking and analytical writing, the costs and consequences of using any of the three will be much the same. As the VSA working paper explains:^{ix}

The learning outcomes measured as part of the VSA are general cognitive skills that cut across disciplines. The intent is not to measure everything but to measure learning that is common, multidisciplinary, and university-wide. Measuring learning outcomes at the institution level should complement, not replace, assessments that are grounded in the disciplines or focused on assessment of general education. Certain types of written communication, critical thinking and analytic reasoning skills are discipline specific. Such skills also have more general components that are not directly tied to a particular course of study, but are still important outcomes of higher education. This latter set of skills is essential in a world where factual knowledge is becoming increasingly obsolete.

Many faculty members may wonder at the decision to rest the primary assessment of their institution’s contribution to higher education on the premise that “factual knowledge is becoming increasingly obsolete.” Moreover, many faculty, who commonly believe that the methods and content of their disciplines are inextricably interconnected, may feel that, if tests are required, discipline-based examinations reflecting the range of university instruction have more validity and are less likely to reduce curriculum to test preparation. Yet the VSA metrics published on the “College Portrait” website will require only the non-disciplinary general skills tests; therefore, it is these that are likely to emerge as the popular basis for institutional comparisons.

Furthermore, the emphasis on general intellectual ability in these tests reflects the corresponding portions of the ACT and the SAT. Fundamentally, VSA results will primarily indicate whether students who have completed college are better test-takers. Proponents argue explicitly that ‘teaching to the test’ is a good thing if it does not include practice with the exact performance measures that will be used.^x However, due to the importance of standardized testing, many K-12 schools and most exam tutoring services now do precisely that. Should higher education be next? Is this really what higher education is for?

Substituting training for education is a real danger; numerical outcomes scores inherently suggest comparison and hence competition, which inevitably leads to publication. Once newspapers, parents and legislatures fix on these scores, the universities will follow. Even if the scores do represent something more than improved test-taking, they will vary not only with the student's ability and income—for which they attempt to control through value-added measures—but also a variety of other important factors.^{xi} Some of these will be included in the VSA College Portrait, such as a metric for student family income and ethnic background. Other key variables will not be highlighted: for example, whether or not students depend on employment, and whether the employment is inside or outside the university. Some of the relevant data that are included, such as the proportion of students who attend full- or part-time, are not linked to the outcomes data. Finally, some of the data included are so incomplete as to be misleading: for example, a simple student-faculty ratio—without any indication of faculty qualifications or the instructional faculty mix of full- and part-time and graduate assistants.

Other outcomes metrics published by the VSA include graduation rates and successful transfers to other institutions. All of the available data, used together in a proper regression equation, might possibly mean something, although that something won't necessarily be a valid measure of institutional performance. It is very difficult to measure institutional contribution to student outcomes reliably. Taken out of context, such metrics will certainly mislead the public and provide little more than grist for the political mills and pop journalism. Worse, superficial comparisons may lead to undesirable institutional practices. For instance, the simplest ways to improve graduation rates are to avoid accepting at-risk students or those full-time students who will need to work outside the university.

Currently, public universities and poorly endowed private universities that do accept large numbers of at-risk students tend to do so, often despite faculty preferences, because they are heavily dependent on state-per-capita and/or federal financial aid funding. Since the new metrics will not provide the increased funding necessary to improve the teaching and learning of at-risk students—and in some states, poor scores may actually lead to funding cuts and a downward spiral—universities are less likely to improve instructional support than to forego some tuition revenue in order to cut the proportion of costly at-risk students.

Even though national faculty associations have been critical of outcomes assessment, faculty at the campus level—who understandably prefer to teach properly prepared students whose work obligations do not interfere with their studies—are all too likely to agree to increased admissions standards. Some faculty—notably at CUNY—have resisted such efforts in the past; nonetheless, the more general pattern is reflected in the record of opposition by legislators, administrators and many faculty members to university responsibility for remedial instruction. The possibility of new high-stakes testing without improved funding and support for at-risk students is more likely to diminish than improve teaching and learning. Many undergraduates will be left behind.

Where either faculty or administrators recognize this reality, they may perhaps bargain procedures designed to avoid reliance upon ill-conceived metrics, for instance by agreeing not to publish data out of context and developing better measures. Faculty senate committees or, where these are lacking, negotiated joint faculty-administration ad hoc committees, may ensure that the chosen metrics are properly developed and presented. Since the current push toward inadequately designed metrics is coming from the major public university associations, and the current resistance from each of the major national faculty associations, the faculty associations must encourage their members and institutions to uphold their true obligation to the public. This obligation is not the provision of illusory measures of progress, but improved teaching and learning for *all* students, including those most at-risk and in need.

ⁱ <http://www.voluntarysystem.org/index.cfm>.

ⁱⁱ AAUP, “Mandated Assessment of Educational Outcomes,” 1991, www.aaup.org/comm/rep/MandatedAssessments.

ⁱⁱⁱ AAUP, “Statement on Government of Colleges and Universities,” 1966, *AAUP Policy Documents and Reports*, 10th Ed., (*Policy*) p. 139.

^{iv} AAUP, “Statement on Academic Government for Institutions Engaged in Collective Bargaining,” (*Policy*), p. 261.

^v Alexander W. Astin, *What Matters in College?*, Jossey Bass: San Francisco, 1993.

^{vi} Ernst Benjamin, *Exploring the Role of Contingent Instructional Staff in Undergraduate Learning*, New Directions for Higher Education, Jossey-Bass, Fall 2003.

^{vii} “Where Are the Priorities?” *Academe*, March-April 2008.

^{viii} <http://www.voluntarysystem.org/index.cfm>.

^{ix} <http://www.voluntarysystem.org/docs/cp/LearningOutcomesInfo.pdf>

^x Richard H. Hersh, “Assessment and Accountability: Unveiling Value Added Assessment in Higher Education,” AAHE Conference Paper, June 2004, p. 16.

^{xi} Ernest T. Pascarella and Patrick T. Terenzini, *How College Affects Students*, Jossey-Bass: San Francisco, 1991.