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Faculty Representation in Higher Education Governance Boards and Faculty Strike Laws

In this report, we investigate faculty representation on university boards of trustees and laws governing faculty strikes. The University of Vermont has 25 members on their Board of Trustees with no direct faculty representation.¹ While their Faculty Senate and Board of Trustees work together to govern the campus, the Faculty Senate does not have direct representation on the Board of Trustees.²

The staff of the University of Vermont fall under the category of public employees. Public employees in Vermont are allowed to strike under certain circumstances.³ That said, the collective bargaining agreement between United Academics and the University includes a no-strike provision.⁴

Practices of Boards of Trustees of Various Public Universities

Generally, universities are governed by a board of trustees made up of members appointed by state legislatures or governor, or elected by existing trustee members.⁵ Trustees are tasked with providing governance oversight, ensuring that the institution adheres to its mission and values.⁶ They have control over financial management, including approving budgets, overseeing endowments, and maintaining the university's financial stability.⁷ Additionally, trustees are responsible for setting long-term goals, approving major policies, and guiding the institution's strategic planning.⁸ One of their most significant duties is the selection and evaluation of the university president and other senior administrators, as this leadership directly influences the

¹ The University of Vermont, "Board of Trustees," accessed October 22, 2024, <https://www.uvm.edu/trustees>.

² The University of Vermont, "Faculty Senate," accessed October 22, 2024, <https://www.uvm.edu/facultysenate>.

³ Vermont General Assembly, Employees' rights and duties; prohibited acts, 3 V.S.A. § 903 (2021) <https://legislature.vermont.gov/statutes/section/03/027/00903>

⁴ See Article 26 of the collective bargaining agreement, 2021-2024, accessed December 13, 2024, https://uvmd10.drup2.uvm.edu/d10-files/documents/2024-08/FT_CBA_2021-2024.pdf.

⁵ LaMont, Jones, "What College Trustees Are and Why They Matter," *U.S. News and World Report*, November 16, 2023, <https://www.usnews.com/education/articles/what-college-trustees-are-and-why-they-matter>.

⁶ William O Brown Jr, "University board composition: Causes and consequences," *Managerial and Decision Economics* 35, no. 5 (2014): 318-336, <https://www.jstor.org/stable/26607783>.

⁷ Brown Jr, "University board composition."

⁸ Brown Jr, "University board composition."

institution's trajectory.⁹ Trustees also ensure that the university complies with regulatory, legal, and accreditation standards, maintaining accountability and public trust.¹⁰ Larger public university systems, like the State University of New York and the University of Massachusetts, foster communication between faculty senates and the board of trustees.¹¹

Early American universities were predominantly governed by boards of trustees rather than faculty, reflecting a model of external control designed to maintain religious orthodoxy and financial stability.¹² Religious organizations initially funded most institutions, and the faculty had limited influence, often serving short terms to focus on teaching.¹³ Governance of universities evolved post-Civil War with the rise of specialized departments, professionalized faculty roles, and the growth of alumni and non-academic administrative influence.¹⁴ By the 20th century, faculty achieved greater control over academic decisions and tenure protections, but overall governance became centralized under trustees and presidents as universities adopted corporate structures.¹⁵ Faculty have, historically, rarely been direct members of boards, their influence having instead been channeled through other mechanisms such as faculty senates, rather than formal trustee roles.¹⁶

To address the question of faculty representation on boards of trustees today, we gathered information from multiple public university websites (the URLs can be found in Appendix A). We present the findings of our search in Table 1.

Table 1: Summary of Faculty Representation on Universities Respective Board of Trustees

Name of University	Is There Faculty Representation on Their Board of Trustees?
University of California System	Yes, 2 non-voting faculty members
University of Colorado System	No
University of Connecticut	Yes, 3 faculty members
University of Florida	Yes, Chair of the Faculty Senate
University of Kentucky	Yes, 2 faculty members
University of Maine System	Yes, 1 non-voting faculty member
University of Massachusetts System	No
University of New Hampshire System	No

⁹ Brown Jr, "University board composition."

¹⁰ Brown Jr, "University board composition."

¹¹ UMass Office of the President, "Board of Trustees Policies," accessed October 22, 2024, <https://www.umassp.edu/bot/policies>.

¹¹ The State University of New York, "SUNY Governance," accessed October 22, 2024, <https://system.suny.edu/academic-affairs/suny-governance/>.

¹² William O Brown Jr, "University board composition: Causes and consequences," *Managerial and Decision Economics* 35, no. 5 (2014): 318-336 <https://www.jstor.org/stable/26607783>.

¹³ Brown Jr, "University board composition."

¹⁴ Brown Jr, "University board composition."

¹⁵ Brown Jr, "University board composition."

¹⁶ Brown Jr, "University board composition."

State University of New York System	No
University of North Carolina System	No
University of Rhode Island	Yes, 1 non-voting faculty member
University of Utah	No
University of Vermont	No
University of Washington	Yes, 1 faculty member
University of Wyoming	No
Sources: see Appendix A	

The State University of New York Board of Trustees does not include direct faculty representation. Each campus elects a faculty representative to their Faculty Senate. The Presidents of the Faculty Senates for the State University of New York and New York Community colleges act as non-voting members on their institution’s Board of Trustees.¹⁷ The general board for all 5 University of Massachusetts schools does not have faculty representation. However, there is university community representation: one alumnus and one student representative from each school.¹⁸ Each school has a Faculty Senate with liaisons who work with the Board of Trustees.¹⁹

Some state laws require public universities to have faculty representation on their boards. In California, one tenured faculty member must serve as a voting trustee for a duration of two years, at the California State University campus where they teach.²⁰

In Kentucky, the University of Kentucky Board of Trustees is required to include two voting faculty representatives from the university on its 20-member board, each of whom must hold at least the rank of assistant professor.²¹ These faculty members are chosen through a secret ballot conducted among all faculty members at the University of Kentucky who hold the rank of assistant professor or higher.²² Their faculty representatives serve for terms of three years and continue in their roles until their successors have been elected and are ready to serve. They are also allowed to run for reelection.²³

According to Oregon revised statutes § 352.076(2)(c), every governing board of a public university is required to have one faculty member who is appointed by the governor; the governor also determines whether the appointee has the right to vote.²⁴

¹⁷ The State University of New York, “SUNY Governance – SUNY,” accessed October 22, 2024, <https://system.suny.edu/academic-affairs/suny-governance/>.

¹⁸ Mass. Const. General Laws, Part 1, Title XII, Sec. 1A.

¹⁹ The University of Massachusetts, “Board of Trustees Policies: UMass Office of the President,” accessed October 22, 2024, <https://www.umassp.edu/bot/policies>.

²⁰ Cal. Educ. Code § 66602c

²¹ Ky. Rev. Stat. § 164.131(3)

²² Ky. Rev. Stat. § 164.131(3)

²³ Ky. Rev. Stat. § 164.131(3)

²⁴ Or. Rev. Stat. § 352.076(2)(c)

In 2012, the Higher Education Research Institute of Cornell did a survey of faculty trustees. They found that 52 public universities and 97 private universities have faculty representation on their boards of trustees.²⁵

Strikes and Education Unions

According to the American Association of University Professors, twenty-seven percent of university and college faculty across the nation are represented by unions, who bargain with the institutions' leadership for workers' rights.²⁶ Striking is seen as a way to gain attention for faculty rights and for faculty to reach a contract agreement with their respective institutions. Public and private employees are governed by different policies regarding striking. At public and state funded universities, the faculty are legally considered "public sector" employees. The Department of Labor categorizes public sector employees as those who work for any form of government within the United States.²⁷

Federal and State Policies on Strikes

Each state has its own respective bargaining rights and striking laws. Twenty states prohibit all public higher education workers from unionizing.²⁸ "Federal law generally allows private institution employees to unionize—except, generally tenured and tenure-track faculty members."²⁹ Section 7 of the National Labor Relations Act protects the rights of employees to strike, but it includes several limitations such as:

- prohibiting municipal employees,
- requiring that the institution be given a ten-day notice,
- the potential replacement of an employee protesting unfair hours as opposed to dangerous labor practices, and
- if it is a violation of a No Strike provision in the employees' contract.³⁰

Practices Among Northeast Universities

Most Northeastern states allow public employees to unionize but prohibit striking. The state of New York abides by The Taylor Law, which defines ways in which faculty are allowed to

²⁵ Ronald G Ehrenberg, Richard Patterson, Andrew Key, "Faculty members on boards of trustees: The 2012 Cornell Higher Education Research Institute survey of faculty trustees." <https://archive.ilr.cornell.edu/sites/default/files/WP149.pdf>.

²⁶ American Association of University Professors, "From the Editor: The State of Faculty Unions," accessed October 24, 2024, <https://www.aaup.org/article/editor-state-faculty-unions>.

²⁷ U.S Department of Labor, "I Am a Public Sector Employee," accessed October 24, 2024, <https://www.dol.gov/agencies/whd/ffcra/benefits-eligibility-webtool/employee/employee-4>.

²⁸ Inside Higher Ed, "Higher ed workers seek to coordinate nationally," accessed October 30, 2024, <https://www.insidehighered.com/news/faculty-issues/labor-unionization/2024/03/26/higher-ed-workers-seek-coordinate-nationally>.

²⁹ Inside Higher Ed, "Higher ed workers seek to coordinate nationally."

³⁰ National Labor Relations Board, "The Right to Strike," accessed October 30, 2024, <https://www.nlr.gov/strikes>.

unionize but denies the right to strike or defy their conditions of employment.³¹ The Taylor Law’s ban on faculty strikes applies to the State University of New York system schools. Additionally, there is a “No-Strike Clause” in their Collective Bargaining Agreement.³² A No-Strike Clause is an agreement between the union, employees, and employer organization which says that the union-related faculty will not participate in or endorse a strike for the duration that the agreement is active.³³

The state of Connecticut forbids all state employees from striking.³⁴ The union of the University of Connecticut agrees that they will not call or condone a strike unless their Board of Trustees goes against the university’s collective bargaining agreement.³⁵

The University of Rhode Island faculty went on strike in 1979 due to failure to reach an agreement with the University Board regarding pay, but an injunction was filed against them two weeks into the strike.³⁶ The University of Rhode Island faculty have since refrained from striking, as it is illegal in Rhode Island and the strike disrupted class schedules.³⁷

The state of Maine has a specific section of law pertaining to university, academy, and community college employees banning work stoppages, slowdowns, or strikes.³⁸ No employees at the University of Maine have the right to strike, as per their categorization as public employees. Employees are currently fighting to implement new agreements between their faculty union and the university representatives to allow striking.³⁹

The state of Massachusetts bans public employees and organizations from striking, and from, “inducing, encouraging, or condoning a work stoppage.”⁴⁰ The faculty of the University of Massachusetts school system is represented by the Massachusetts Society of Professors and has a “No-Strike Clause” in their union agreement.⁴¹

³¹ New York State, “New York State Public Employees’ Fair Employment Act – The Taylor Law,” accessed October 30, 2024, <https://oer.ny.gov/new-york-state-public-employees-fair-employment-act-taylor-law>.

³² SUNY – The State University of New York, “Collective Bargaining Agreement (Faculty),” accessed October 30, 2024, [https://www.suny.edu/media/suny/content-assets/documents/hr/Collective-Bargaining-Agreement-\(Faculty\).pdf](https://www.suny.edu/media/suny/content-assets/documents/hr/Collective-Bargaining-Agreement-(Faculty).pdf).

³³ Bloomberg Law, “Labor Relations, Overview – No Strikes or Lockouts Clauses,” accessed October 30, 2024, <https://www.bloomberglaw.com/external/document/XDV72MBG000000/labor-relations-overview-no-strikes-or-lockouts-clauses>.

³⁴ Conn. Const. Ch 68, S 5-279.

³⁵ UConn-AAUP, “Collective Bargaining Agreement,” accessed October 30, 2024, <https://uconnaaup.org/resources/collective-bargaining-agreement/>.

³⁶ University of Rhode Island AAUP, “Our History,” accessed October 30, 2024, <https://urriaup.org/about-us/our-history/>.

³⁷ University of Rhode Island AAUP, “Our History.”

³⁸ Maine Const. Title 26, Ch 12, S 1027, C1 2, x 1.

³⁹ The Maine Campus, “UMaine workers need the right to strike,” accessed October 30, 2024, <https://mainecampus.com/category/opinion/2024/09/umaine-workers-need-the-right-to-strike/>.

⁴⁰ Mass.gov, “Massachusetts Public Employee Collective Bargaining Law Guide,” June 14, 2018, <https://www.mass.gov/info-details/i-strikes>.

⁴¹ University of Massachusetts Amherst, “Collective Bargaining Agreements,” accessed October 30, 2024, <https://www.umass.edu/provost/sites/default/files/2024-02/MSP%202020-23%20Successor%20Agreement%2006.08.2022%20-%20FINAL.pdf>.

University of Vermont Unions and Striking

While the University of Vermont (UVM) was founded by merging the University of Vermont, a private university, and the Vermont State Agricultural College, a public university, the school now is legally considered a public land-grant research university.⁴² The state of Vermont funds 6.2% of UVM's annual budget.⁴³ UVM's policy is written in accordance with local, state, and federal laws.⁴⁴ The laws as related to striking for state employees, henceforth any employee or faculty of the University of Vermont, are as follows: "A State employee may not strike or recognize a picket line of an employee or labor organization while in the performance of his or her official duties."⁴⁵ According to the State Employees Labor Relations Act, faculty from UVM are allowed to organize, bargain, and join employee unions, but are not permitted to strike if it interferes with their set schedule with the University.⁴⁶ The State of Vermont allows employers and unions to negotiate specifics regarding employees' right to strike. The collective bargaining agreement between the University of Vermont and United Academics includes a no-strike provision.⁴⁷

This report was completed on December 13, 2024, by Riley O'Hagan and James Vanchieri under the supervision of VLRS Director, Professor Anthony "Jack" Gierzynski in response to a request from Representative Troy Hendricks.

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Disclaimer: The material contained in the report does not reflect the official policy of the University of Vermont.

⁴² The University of Vermont, "History and Traditions," accessed October 30, 2024, https://www.uvm.edu/history_and_traditions.

⁴³ The University of Vermont, "History and Traditions."

⁴⁴ The University of Vermont, "Employee Handbooks and Contracts," accessed November 12, 2024, <https://www.uvm.edu/human-resources/employee-handbooks-and-contracts>.

⁴⁵ Verm. Gen. Assembly Title 3, Ch 27, S 903.

⁴⁶ Verm. Gen. Assembly Title 3, Ch 27, S 903.

⁴⁷ See Article 26 of the collective bargaining agreement, 2021-2024, accessed December 13, 2024, https://uvmd10.drupal2.uvm.edu/d10-files/documents/2024-08/FT_CBA_2021-2024.pdf.

Appendix A: Source of Information in Table 1

The University of New Hampshire “Constitution & Bylaws of Faculty Senate,” July 3, 2024.

<https://www.unh.edu/fac-senate/about/constitution-bylaws#:~:text=This%20constitution%20provides%20for%20the,as%20overlapping%20areas%20of%20concern.>

“Board of Trustees.” Board of Trustees, The University of Vermont, Accessed October 22, 2024.

<https://www.uvm.edu/trustees.>

Mass. Const. General Laws, Part 1, Title XII, Sec. 1A

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter75/Section1A>

University of Massachusetts, “Board of Trustees Policies: UMass Office of the President,” Accessed October 22, 2024,

<https://www.umassp.edu/bot/policies#:~:text=Board%20Policies&text=UMass%20is%20governed%20by%20a,%2C%20staff%2C%20consultants%2C%20etc.>

State University of New York, “SUNY Governance – SUNY,” Accessed October 22, 2024,

[https://system.suny.edu/academic-affairs/suny-governance/.](https://system.suny.edu/academic-affairs/suny-governance/)

The University of Wyoming, “University of Wyoming: Board of Trustees,” accessed November 19, 2024,

<https://www.uwyo.edu/trustees/index.html.>

The University of Colorado, “University of Colorado Board of Regents,” Accessed November 20, 2024,

[https://regents.cu.edu/.](https://regents.cu.edu/)

The University of North Carolina, “Board of governors,” Accessed November 20, 2024,

[https://www.northcarolina.edu/leadership-and-governance/board-of-governors/.](https://www.northcarolina.edu/leadership-and-governance/board-of-governors/)

The University of Utah, “Board of Trustees”, Accessed November 20, 2024. [https://administration.utah.edu/board-of-trustees/.](https://administration.utah.edu/board-of-trustees/)

Cheryl Galli, “Senate Representation on Committees across the University,” University Senate, July 30, 2015,

[https://senate.uconn.edu/senate-representation-on-committee-across-the-university/.](https://senate.uconn.edu/senate-representation-on-committee-across-the-university/)

Duties and Obligations for Faculty Representatives to the University of Maine System Board of Trustees, Accessed October 22, 2024, <https://www.maine.edu/board-of-trustees/wp-content/uploads/sites/12/2019/12/Duties-and-Obligations-fac-Reps-Jan-29-2017.docx.pdf>.

The University of Rhode Island, “Board of Trustees,” Accessed October 22, 2024, [https://web.uri.edu/trustees/.](https://web.uri.edu/trustees/)

The University of California, “About the Regents,” Accessed November 20, 2024,

<https://regents.universityofcalifornia.edu/about/#:~:text=In%20addition%2C%20two%20faculty%20members,board%20as%20non%2Dvoting%20members.>

The University of Washington, “Selected statutes.” Accessed November 20, 2024,

[https://www.washington.edu/regents/governance/selected-statutes/#:~:text=\(a\)%20The%20governance%20of%20the,emeritus%20member%20of%20the%20faculty.](https://www.washington.edu/regents/governance/selected-statutes/#:~:text=(a)%20The%20governance%20of%20the,emeritus%20member%20of%20the%20faculty.)

The University of Florida, “Board of Trustees - University of Florida,” Accessed November 20, 2024,

<https://trustees.ufl.edu/#:~:text=The%20UF%20Board%20of%20Trustees,Body%20are%20also%20voting%20members.>

The University of Kentucky, “Board of Trustees,” Accessed November 20,

2024, <https://www.uky.edu/trustees/about.>