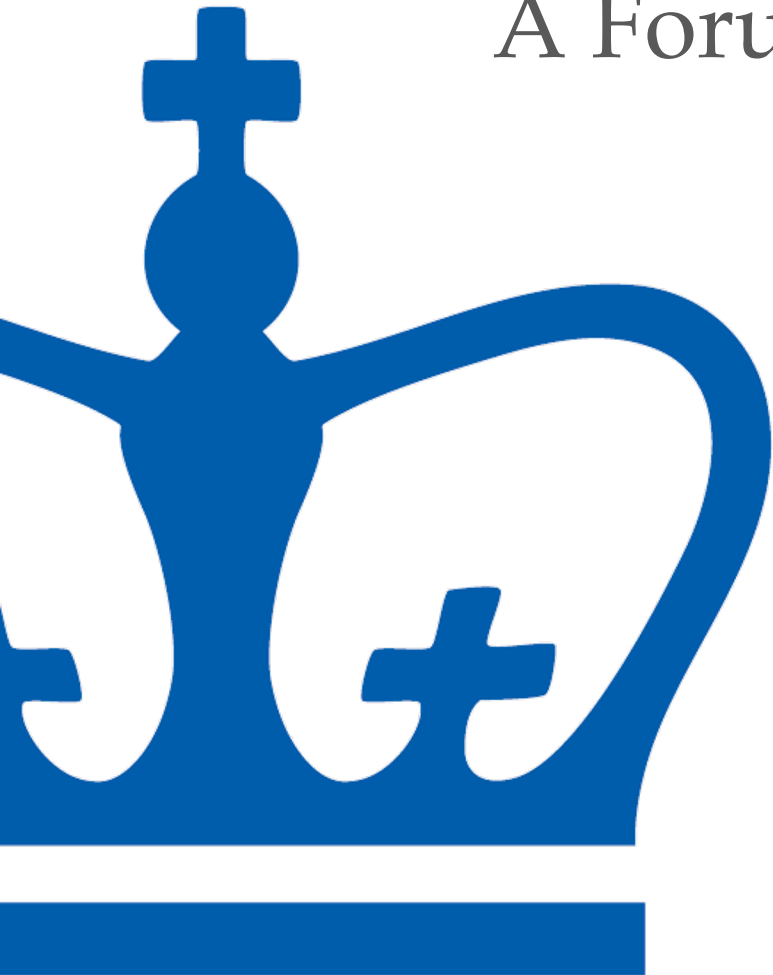


# Columbia University Senate

A Forum on University Governance



March 26 & March 31, 2026



# A Forum on University Governance

## **What Would It Mean to “Democratize” a University?**

David Pozen, Charles Keller Beekman Professor of Law,  
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### *Note*

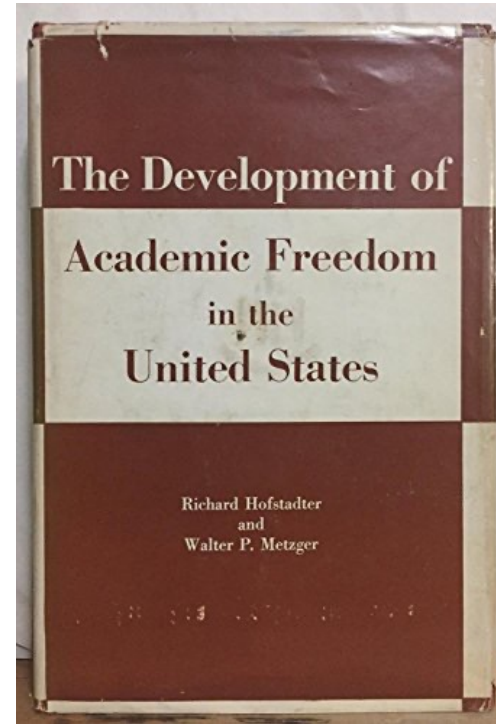
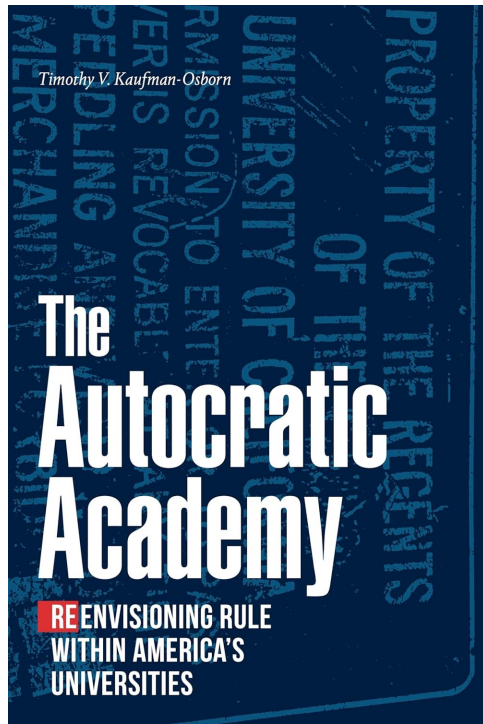
*David Pozen is the author of the presentation that follows. This presentation draws on Professor Pozen’s forthcoming article, coauthored with Daniel Hemel, titled “In Search of University Democracy.”*

What would it mean to  
“democratize” a university?

# The prevailing governance model

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- Boards of trustees hold final legal authority
  - AGB: “Governing boards hold ultimate authority for an institution [of higher education] .... There is very little debate on this point.”
- Private university boards: self-perpetuating, “dominated by heavy hitters in business, law and technology”
- Public university boards: trustees (regents) typically appointed by the governor with legislative confirmation
- Powerful presidents/chancellors → hired by the board, report to the board, often serve on the board



Hofstadter & Metzger, 1955: “The great anomaly of American higher education [is] that laymen dominate the domain of professionals ...”

Kaufman-Osborn, 2025: “What renders this [governance] form autocratic is the structural disenfranchisement of those who are subject to these boards’ rule from any legally guaranteed title to participate in that power.”

# Columbia's foundational documents

- Official name: “The Trustees of Columbia College in the City of New York”
- Charter of 1810: “[The] Trustees, and their successors, shall forever hereafter have full power and authority to direct and prescribe the course of study[] and the discipline to be observed in said college, and also to select ... a president ... professors [and] other officer[s].”
- University Statutes: “The President shall be the chief officer of the University and, subject to the Trustees, shall have general charge of the affairs of the University.”

# Shared governance: four models

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Columbia examples:

- Provost Advisory Committees
- President's Advisory Committee on Institutional Voice
- Task Forces on Anti-Racism and Antisemitism

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## Columbia examples:

- Student Workers of Columbia – UAW Local 2710
- Technical, Office and Professional Workers – UAW/AFL-CIO Local 2110

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Columbia example:

- Trustees' By-Laws: 6 of the 24 Trustee positions “to be filled in consultation with the University Senate”; 6 “in consultation with” a nominating committee of alumni

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The main “internal” stakeholders of the university (faculty, students, staff, alumni) collectively hold legal authority to:

- Select a majority of the governing board; and/or
- Approve or disapprove key institutional decisions (e.g., changes to the bylaws/statutes, major transactions)

# Nonprofit law

- Almost all U.S. public and private colleges and universities are organized as nonprofit corporations.
- For nonprofit corporations, internal democracy generally involves empowering “members” to participate in governance by selecting the board and reviewing major decisions.
- Who is a “member” may be defined more or less expansively in the bylaws.
- Reiser: “state legislatures have reached near unanimous agreement that nonprofits should have the ability to choose between internally democratic governance with members and governance without them”

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1. Colonial holdover?
2. Donor dependence?
3. Public funding?
4. Survival of the fittest?

# Stakeholder universities abroad

- Oxford and Cambridge: entire faculty as fiduciary
- University of Toronto: faculty, students, staff, and alumni collectively elect 30 of 50 governing board members
- University of Bologna: faculty and staff elect 5 of 10 Governors; students elect 2; Rector elected university-wide
- Western and Central Europe: mix of stakeholder models
- Latin America and Caribbean: Córdoba model

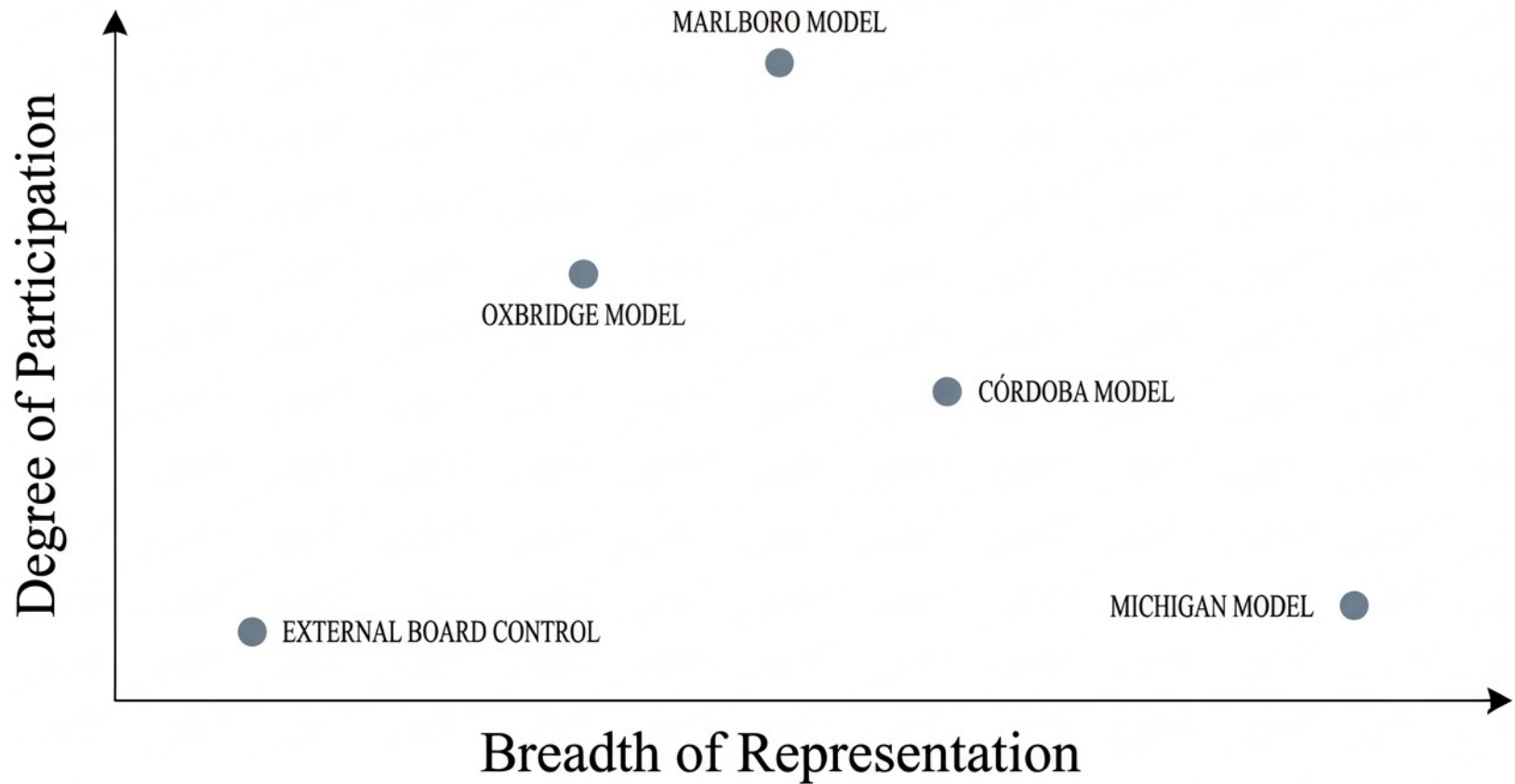
# Potential benefits

- Enhancing academic freedom and open inquiry?
- Building students' civic and leadership skills?
- Creating a “campus public sphere”?
- Incentivizing long-term investments of human capital?
- Deterring authoritarian threat?
- Sector-wide: increasing pluralism, serving a wider range of student and scholar preferences?

# Potential costs

- Allowing faculty to wield excessive power?
- Exacerbating campus conflict?
- Slowing down decision-making?
- Deterring donors?
- Sacrificing external democracy for internal democracy (particularly at public universities)?

# Many varieties of stakeholder governance



# Conclusion

- Strong basis to conclude that at least *some* U.S. universities should move toward stakeholderism
- Where reformers want to position their university will depend both on local conditions and on which arguments they find most compelling
  - E.g., an academic freedom rationale would not counsel allocating governance rights to community residents, but might especially favor researchers and instructors
  - The civic skill-building rationale, on other hand, points toward student representation and participation
- No easy path to reform: external and internal strategies