Further Issues with the *Bylaws for Academic Governance* and the *Bylaws of the Board of Trustees*

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Michigan State University
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Introduction from UCAG

In its report, the Ad Hoc Committee on Bylaws Reform recommended significant changes to the Bylaws for Academic Governance and the Bylaws of the Board of Trustees. In addition to specific revisions to the two sets of bylaws themselves, the report included brief rationales for each recommendation. However, the Ad Hoc Committee on Bylaws Reform identified several areas for improvement for which they did not have time to develop specific amendments and included helpful thoughts on other ways that shared governance could be strengthened at Michigan State University.

In the interest of transparency, the University Committee on Academic Governance voted to share those recommendations for which language was not developed. UCAG intends to more fully consider those recommendations throughout the remainder of the academic year. However, it is important to note that these recommendations stand apart from the specific proposals passed by UCAG.
I. Further Issues with the *Bylaws for Academic Governance for UCAG’s Consideration*

The ad hoc committee was not able to develop language for every issue identified in the *Bylaws* as relevant to the goal of shared governance. The following section of the report includes issues that also deserve attention.

**Develop Ways of Incentivizing Participation in Academic Governance**

In 2005, the Ad Hoc Committee on Faculty Voice noted the following in its report:

“Currently, the faculty at Michigan State are culturally predisposed to avoid university level academic governance and to respond negatively to administrative proposals for change. The academic governance system, moreover, is poorly organized. It constrains rather than facilitates the exercise of faculty voice.”¹ In many ways, that analysis remains true today.

Throughout the summer, the ad hoc committee has continually come back to the issue of participation in academic governance, noting that the current crisis of shared governance at MSU has no single cause but is instead the consequence of several self-perpetuating phenomena. In the ad hoc committee’s estimation, increased top-down control of governance has had the unintended consequence of discouraging faculty and students from participating in academic governance from frustration and a sense of futility. In turn, the administration has continued to increase the insularity of decision-making processes, and the cycle has continued accordingly.

This problem is exacerbated by an underfunded and understaffed Office of the Secretary for Academic Governance. The Office’s current location in the basement of Owen Hall is nondescript, inconvenient, and not unbecoming to a vitally important institution. The ad hoc

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committee recommends that the office be given increased space in a place of widespread recognition, increased funding, and increased attention from the University community.

Further, the ad hoc committee recognizes that many good and hard-working faculty members decline to participate meaningfully in academic governance because they see it as a combination of useless and chore-like activities. Service in academic governance is not rewarded appropriately, and faculty are therefore not incentivized to serve. The ad hoc committee discussed several ideas for rectifying this problem, including monetary compensation tied to attendance, counting standing committee membership as 5% of a faculty member’s workload, and requiring annual reviews to include a faculty member’s service (failure to do so would be a grievable offense); greater weight should be given to those tasked with chair responsibilities. The ad hoc committee encourages a more thorough discussion of this issue.

**The Role of Ex-officio Members**

According to 1.4.1, and contrary to the understanding of many members of academic governance, *ex-officio* members of academic governance bodies have both voice and vote unless explicitly proscribed by the *Bylaws*. The motivation for its adoption is that persons who participate in the deliberations of a body should normally have a vote. As acknowledged when the bylaw was adopted in 2016, it is important for the parliamentarian to educate the University community, particularly because the provisions of the *Bylaws* are often repeated in college and department bylaws.

**Expand the Faculty’s Role in Admissions**

There should be a university committee with elected representatives from each of the colleges engaged in undergraduate teaching that would have as its primary responsibility communication with the admissions wing of the University. Admissions is a major influence on the quality of teaching, and there is currently no direct way for faculty to shape the admissions
policy or enrollment management plan in relation to changing demographics, or to ensure that the University meets its public land-grant mission.

**Consider Establishing One or More Committees on Women and Ethnic Minorities**

The ad hoc committee considered adding a University-level committee to address issues relating to women and ethnic minorities. Members noted that such a committee should be distinct from current advisory committees on similar issues insofar as its membership should be chosen by governance bodies rather than administrators.

**Conduct a Review of Athletic Council**

Ad hoc committee members noted concern about potential dysfunction of the Athletic Council. For example, 5.2.1 requires the Athletic Council to have “composition and bylaws subject to approval by the University Council,” although no such bylaws exist. Further, several members of the ad hoc committee believed that faculty should play a stronger role in selecting their representatives and said that the practice of the President’s appointing the Athletic Council’s members from a slate of nominees provided by UCAG is inappropriate.

The ad hoc committee notes that recently, two Faculty Athletic Council Representatives (FAR) have been appointed in violation of the *Bylaws*, which refers to the FAR in the singular. While the ad hoc committee has no issue with the increased faculty voice, it notes the violation of academic governance rules, and encourages the administration to check the *Bylaws* before making appointments.

**Enhance the Role of Faculty Senate in Addressing Violations of the Bylaws**

Although UCAG serves some oversight functions, the ad hoc committee does not believe they are enough. The Faculty Senate should take a stronger role in identifying and correcting violations of the *Bylaws*. 
II. **Further Issues with the *Bylaws of the Board of Trustees***

This section includes those issues for which the ad hoc committee was not able to develop concrete proposals. We encourage academic governance bodies to examine the issues presented and move forward as they think appropriate.

*Article 4 – President: Amending the Post-Presidential Resignation Process*

When the President resigns, the *Bylaws of the Board of Trustees* dictate that “at the time of the announcement that the President is leaving [the Board] shall elect immediately an Acting President for the interim period who shall exercise the functions of the President as stated in these Bylaws while serving as Acting President.”

In the interest of minimizing confusion in the wake of a President’s resignation, such as what occurred in the immediate aftermath of President Simon’s resignation, the ad hoc committee recommends that the Board update its *Bylaws* to reflect its actual practice. The Board might consider designating a particular officer as Acting President until the Board meets, as well as inserting language about the distinction between an Acting President and Interim President.

*Article 4 – Vice President for Administration and Public Affairs: Amend the Officer’s Title*

The *Bylaws of the Board of Trustees* address a position called “Vice President for Administration and Public Affairs [Vice President for Governmental Affairs]” (brackets in original). This title has been superseded by new titles, so the Board’s Bylaws should be amended.
Add Dedicated Time on Board Agendas for Student and Faculty Representatives’ Remarks

While the Board does publicize the names of its student and faculty liaisons, those liaisons are not given dedicated places on the Board’s agendas. Liaisons often meet with Trustees in less formal settings, and the ad hoc committee approves of that practice because such interactions help create a solid working relationship among constituencies. However, the ad hoc committee believes that by adding a dedicated, regular place on the Board’s agendas for remarks from faculty and student liaisons, the Board could simultaneously take a step toward shared governance and reassure community members they are being heard. This change would not require an amendment to the Bylaws of the Board of Trustees given that it could easily be implemented, but the ad hoc committee encourages the Board to do so.

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2 See Michigan State University Board of Trustees, Faculty and Student Liaisons to the Board, last updated Sept. 17, 2017, https://trustees.msu.edu/meetings/liaisons.html (last accessed Aug. 19, 2018).

References

