October 8, 2009

MEMORANDUM

TO: Professor Jacqueline Wright, Secretary for Academic Governance (SAG)

FROM: Robert F. Banks, Senior Consultant to the Provost

SUBJECT: Summary of Key Points re Revision of the Bylaws of Academic Governance (BAG)

The Faculty Council (FC) already has received the following documents:

- Copy of my presentation to the FC dated September 15, 2009;
- My report to the SAG re proposed changes in the BAG dated July 24, 2009;
- My proposal to amend section 3 (Academic Congress) of the BAG dated August 7, 2009;
- Draft of changes in the BAG proposed by the FC dated April 14, 2009, with additional amendments proposed by Professors Rosser and Wright, respectively chair of UCAG and SAG.

My summary will NOT repeat in any detail any of these documents. In summary, my report of July 24, 2009, addressed three broad topics:

1. A summary of my views of two key issues in the revision of the BAG: one concerns the role and functions of the Academic Congress while the other has to do with separate reporting lines for standing committees to either the Faculty Senate or the University Council.

2. Proposals for discrete changes in the BAG totaling some 38 in number of which 27 were included among the amendments proposed by Professors Rosser and Wright. (My intention is only to note the 12 changes NOT included among their amendments.)

3. Several items which I identified as not addressed in the FC review of Academic Governance. Assuming engagement in a general review of the BAG, it was my view that it would be inappropriate not to take up these items within Academic Governance.

I. Two Key Items in the Proposed Revision:

**Item One:** I strongly believe the changes proposed by the FC proposals reinforce the traditional role of standing committees reporting to the Faculty Senate or University Council but with the potentiality of a substantive role for the Academic Congress. Based on my long involvement in academic governance, I do not believe that the Congress can play a substantive role. In my proposed revision of Section 3, which includes the Congress, I did make several suggestions for amendments which modestly enhance the role of the Congress (see this August 7, 2009 report, a summary of which appears in my summary of September 15, 2009). I believe these changes, which are modest adjustments in the role played by the old Academic Senate, will enhance the role of the Congress, especially now that its membership includes a portion of the fixed-term faculty. I strongly endorse these proposals. The key issue is the difficulty of changing the role of one component, e.g., the University Congress, within a framework which is essentially the same as the current BAG, e.g., the central role of standing committees reporting to the Faculty Senate and/or the University Council.

**Item Two:** The second major item is a proposed arrangement supporting variable reporting lines between the standing committees and Faculty Senate and the university Council, e.g., some committees report to the Faculty Senate, while others report to the University Council. Under the current BAG, all topics go to the Faculty Council first and then to the Academic Council. I
endorse returning to the current BAG provisions for the following reasons. First, lines in fact are not clear cut as proposed by the FC. For example, section 4.4 which describes UCUAP’s role, states that the committee is to report to the University Council but is also to make recommendations to the Faculty Senate on all matters of academic policy. This arrangement makes a strong case to retain current BAG arrangements.

A more fundamental concern has to do with the proposed reporting lines for two standing committees. UCFA and UCFT report to the Faculty Senate with interactions with the University Council ONLY AT THE DISCRETION OF EACH COMMITTEE (emphasis added). This arrangement is quite problematic in my view. The reports of these committees relate to such matters as academic personnel policies, faculty rights and responsibilities and grievance procedures as well as formal and procedural rules on tenure and dismissal and substantive policies on tenure, and again, only with interaction with the University Council at the discretion of the UCFA or UCFT.

Tenure and academic personnel policies clearly are of great importance to the faculty—indeed all are considered in faculty dominated standing committees—but they are also of importance to administrators and students within a framework of shared governance. With limited exception, all of these policies must be considered and acted upon by the President and the MSU Board of Trustees, both of which have an interest in the views of the faculty AND administrators and students. Of course, such commentary can be obtained sub-rosa but most likely in a setting in which faculty commentary has to be arranged ad hoc or does not occur. I believe open discussion among all parties is best achieved under current BAG provisions which provides for separate deliberation by the faculty and subsequently with faculty representatives as part of Academic Council deliberations.

II. Discrete Items re the BAG Not Included in the Rosser/Wright Amendments (numbers refer to the April 14, 2009, Bylaws proposed revisions)

1. 3.1.1.1 Within the voting members of the Academic Council, not sure why the President and Provost are given voting rights.

2. 3.1.5.2 Suggestion that minutes of meetings of the Academic Congress be sent to Congress members AND members of the University Council to ensure good communication.

3. 2.1.1.5 Concern about making a member of the General Counsel’s staff an ex-officio member of the University Council. Involvement can be achieved on an ad hoc basis.

4. 3.2.5.4 The University Council can achieve a majority position on a topic but not a consensus view.

5. 3.2.7 Title is misstated; section deals with more bodies than the University Council.

6. 3.2.7.2 Does not permit the Steering Committee from deciding a meeting is not needed which is the case under current BAG.

7. 3.3.4.1, 3.3.4.4, and 3.3.4.6 The Faculty Senate can reach a majority position but not a consensus and certainly not a consensus for the faculty as a whole.

8. 3.4.1.3 Not sure why the President and Provost are granted limited voting rights.

9. 3.4.2.1 Not sure why the meetings with the President and Provost are limited to at-large members of the Steering Committee as opposed to the complete membership of the Steering Committee.
10. 3.4.2.9 Might wish to consider including the Student Liaison as a component of the BAG. (Currently, both faculty and student liaison groups exist as a result of discrete Board of Trustees’ resolutions.)

11. 4.2.2.3 This section implies a lot of redundant reporting. I would rely on written reports with committee chairs at the call of the Faculty Senate or University Council as needed.

12. 4.7.7 I would advise that only UCFA be charged to address academic personnel matters apart from tenure policy. Joint involvement leads to redundancy and a heavier workload for UCFT which was a major objection in the discussion of the Faculty Voice Report (unlike my summary of September 15, 2009, I have chosen to address this item here and not in the next section).

III. Items Not Addressed in the FC BAG Review

I discovered a few items not addressed in the current BAG review which I believe deserve some attention within the framework of a general BAG review and revision. Addendum II (pp. 12-16) of my July 24 report, details these topics including reasons for change and Bylaws language suggestions. I do not intend to repeat these details here.

The changes noted are:

1. A possible option for clinical departments/units in the four medical colleges to consider the appointment of Health Programs Faculty (multi-year renewable contract faculty not in the tenure systems) as principal unit administrative officers (excluding deans who require tenure system appointments). Currently, roughly 25% of faculty in these departments hold HP appointments. While adding this provision would not require administrative appointments for HP faculty, this option provides deans a wider choice of candidates.

2. Make the role of the voting faculty a shared responsibility with the Provost in determining dean search procedures by assigning this function to the faculty members of the College Advisory Council. (Some 12 of MSU’s 18 colleges currently have such an arrangement provided for in their college bylaws.)

3. Assign to the President as part of the BAG (not the Board of Trustees), the authority to terminate an academic administrator from his/her administrative assignment. This is a simple catch-up amendment. In 1982, the Board of Trustees delegated to the President various academic personnel actions, including transfers of assignment and the BAG was not subsequently revised.

4. Delete the requirement that academic units have written grievance procedures as part of the Faculty Grievance procedure. This item has been negated by the recent UCFA/Faculty Council/BOT approved change in the FGP which requires all hearings to be heard at University level. (This change is recommended on the Rosser/Wright list of amendments.)

5. Changes to make the BAG role of the UCFT re interpretation of the tenure rules consistent with the UCFT, FC and Board of Trustees recently approved changes in the Operating Principles of Tenure, especially Principle 7, which states that UCFT renders a decision on these topics and makes recommendations to the Provost and President. In every case, the final decision rests with the Board of Trustees.