

## Shared Governance Review for the University of Michigan, Flint

### *1. Introduction and Background*

This report on governance policies at the University of Michigan, Flint (UMF), intended for wide distribution, is submitted through (i) Chancellor Sue Borrego and Provost Doug Knerr, who funded local arrangements; (ii) officers of the UMF advocacy chapter of the American Association of University Professors (AAUP), who contacted the national AAUP office in July, 2016, about locating volunteer reviewers in the Flint area, and (iii) the chair of the UMF Faculty Council, which approved our visit to campus. Provost Knerr's remarks on governance in his convocation address of September 1, 2016, and Chancellor Borrego's previous experience on a campus with an AAUP-organized union, encouraged us to believe that constructive remarks would be welcome and would make the review worth the time and effort involved.

As external reviewers, acting independently, we have taken our charge as having three elements:

- (a) to examine UMF governance documents, beginning in September 2016, to determine the extent to which UMF's policies comport with widely accepted principles of shared governance, particularly those articulated in the 1966 *Statement on Government of Colleges and Universities*,<sup>1</sup> referred to as the 1966 *Statement* below. This statement, jointly authored by the Association of Governing Boards of Universities and Colleges, the American Council on Education, and the AAUP, shares important elements which are stated or implied in the Regents *Bylaws*;
- (b) to meet with anyone who wanted to meet with us December 8–9, on grounds that actual practices are not always evident from written documentation. Availability of the reviewers was extended to include subsequent email correspondence and four additional hours set aside for telephone calls December 16;
- (c) to make constructive recommendations and suggestions for the improvement of shared governance at UMF, based on our review and meetings, and to seek dissemination of these remarks to all interested parties.

In the two-day on-campus portion of the review, we met with the chancellor, provost, twenty-six faculty from all four schools and the College of Arts and Sciences (CAS), and two retired faculty. Some of the faculty members interviewed were chairs or former chairs of departments, or serve or have served on various administrative committees. No deans took part in the meetings.

Apart from suggesting local volunteers, national AAUP staff members Greg Scholtz and Joerg Tiede recommended in July that a contingent from UMF attend the AAUP's fall 2016

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<sup>1</sup> <<https://www.aaup.org/report/statement-government-colleges-and-universities>>

Shared Governance Conference and Workshops in Washington, DC. We were told that such participation took place. Scholtz and Tiede also recommended to the UMF chapter that it administer a locally adapted version of Keetje Remo's survey, "Indicators of Sound Governance,"<sup>2</sup> which the AAUP's Committee on College and University Government has approved as a tool for assessing the extent to which practices at an institution comport with national standards for shared governance in higher education; it has often been used to gather information, for example, for reaccreditation purposes, a timely circumstance at UMF. For reasons not clear, that second recommendation fell through the cracks, and a hastily developed survey, the results of which were unusable, obfuscated our purpose, making it necessary repeatedly to explain our actual intention and to dissociate ourselves from the survey, proceeding with the review on the basis of the governance documents we had been examining during fall semester. It was equally necessary to repeat in discussions with faculty members that we have no ability to adjudicate personal grievances or disputed claims of injustice. Interviewees were asked to describe governance practices and policies with which they are familiar *at first hand*. Discussions were robust and frank, representing opposite perspectives.

A vast amount of good will, loyalty, and commitment to the academic mission exists on the UMF campus, some very helpful initiatives are being pursued, especially in the schools, and there are evident opportunities for advancing education—all of which made the level of mistrust, acrimony, and fear of retaliation we heard from some faculty both painful and puzzling to witness. We deeply appreciate the willingness of faculty and administrators to meet with us, and to assemble documents for us; and we thank the staff in the lovely Thompson Library who assisted expertly with the formal arrangements.

## *2. Campus Climate for Governance: Culture*

*(i) Specifics of the players.* Nothing on a campus is as difficult to change as the underlying culture, a thought that came to us many times as we struggled with odd code. As the Carnegie Foundation put the matter:<sup>3</sup>

Governance guidelines in themselves have no animating power. In its most authentic sense, governance is simply the process by which people pursue common ends and, in the process, breathe life into otherwise lifeless forms. The best measure of the health of the governance structure at a college is not how it looks on paper, but the climate in which it functions.

At UMF, top administrators are new: Chancellor Borrego, from August 4, 2014; Provost Knerr, from July 1, 2015; and even President Mark Schlissel has only been aboard since January 1,

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<sup>2</sup> <<https://www.aaup.org/NR/rdonlyres/88582027-8022-463A-9063-09073CD07766/0/indicatorsofsoundgovernance.pdf>>

<sup>3</sup> *The Control of Campus: A Report on the Governance of Higher Education* (Washington, D.C.: Carnegie Foundation for the Advancement of Teaching, 1982).

2014. All have inherited situations that are not of their making and that cannot be remedied in a day. The three administrators appear to us to be deeply committed to the principles of shared governance, while we saw little evidence that shared governance was a priority in previous UMF administrations. That very commitment, however, correctly prevents them from dictating what is rightly within the purview of the faculty, making it all the more important that faculty inform themselves about, and participate in, the best practices of governance.

On the other hand, the UMF faculty seems to us to have been somewhat stable, at least in the past. As a result, most faculty members have no experience of governance elsewhere. Some have settled into a placid local culture of waiting to be told what to do, and assuming that their rights, even when they can identify those rights, can be revoked by anyone “higher up.” Other faculty members and some administrators expect matters to continue “as they used to be”—which can be a blessing or a curse. Myths about shared governance at odds with the Regents *Bylaws* abound at UMF. There is a perception among some faculty that a high turnover of senior faculty with more governance experience exacerbates the problem, which may well be true, but we had no concrete information about the rate or nature of faculty turnover, relative to comparable institutions. There is also a perception that some faculty with complaints or grievances are too ready to seek to evade existing governance structures rather than to work within them. A university should cultivate an ethos of creative conflict in which individuals can disagree while nevertheless moving forward in a deliberate manner for the common good.

(ii) *Delineation of roles.* Another crucial piece of the issue of campus culture in relation to shared governance is that, despite Regents *Bylaws* language, lines among academic and career-path administrators, tenure-system faculty, clinical faculty, Lecturers’ Employee Organization (LEO) faculty, and staff have blurred in governance, including voting roles in some schools, perhaps from an exaggerated notion of being inclusive, but eroding the sense of “governing faculty.” Administrators, in the view of some faculty, may occupy positions in departments that should rightly be held by faculty. UMF Code (Article 3, §3a, par. 3) on 50% administrative appointments is inadequate to correct the perception.

It is fundamental to the mission of a university that there be no dilution of *educators* in the decision making councils of the university. While seemingly tangential to our initial charge, the faculty comments we received compel us to point out the faculty’s perception that the administrative fraction of personnel at UMF is growing while other sectors are stagnant. The way this impinges on our review is that, by sheer force of numbers, the faculty believe their role as the governing faculty is being diluted by a culture of administrator isolation in a large administrative subculture. We certainly did not pursue this issue, though the sentiment is surely there and might be addressed in terms of a vigorous effort to keep processes transparent and communication channels open. This is also relevant to the participation of the faculty in discussions of larger aspects of the institution’s budget.

According to the 1966 *Statement*, the purpose of which is “to foster constructive joint thought and action,” the judgment of the faculty “is central to general educational policy” and the

faculty therefore “has primary responsibility for such fundamental areas as curriculum, subject matter, and methods of instruction, research, faculty status, and those aspects of student life which relate to the educational process.” While the *Statement* recognizes that the Regents are the ultimate institutional authority and they delegate the conduct of administration to the administrative officers, it also asserts that in those areas in which the faculty has primary responsibility, the administration and Regents “should [...] concur with the faculty judgment except in rare instances and for compelling reasons which should be stated in detail.” Thus, the conduct of academic matters—and the faculty’s “primary responsibility” for it—is delegated by the Regents to the faculty, just as the conduct of administrative matters is delegated to the administration.

(iii) *Engagement with bylaws and governance.* Units, including departments, should conscientiously develop, understand, and take ownership of their bylaws; and the Provost should assist them in that effort. With the prospect of reaccreditation ahead, the consistency and appropriateness of bylaws is especially important. Amending code at any level is a tedious business, so it is doubtless beneficial to have one’s efforts reviewed by those persons most familiar with Regents *Bylaws*, UMF Code, and the codes of the schools and college. However, such reviewers do not have the authority to amend the unit codes themselves; their recommendations are not dispositive unless noncompliance with those “higher” bylaws is found. Faculty should not be stymied in their decisions about the best ways to manage and organize their own departments. Several faculty described actions by chairs or deans and asked us whether the chair/dean can *do* that. In most cases, the answer depends on whether the unit’s bylaws leave decisions and actions to the chair/dean or authorize a committee, not necessarily the executive committee, to make the decisions or take the actions in question.

According to the Regents *Bylaws* preface (and in brief at Regental §14.01),

Grading regulations, committee organizations, and other matters of internal management of the several schools and colleges and other authorities—all subject, of course, to the ultimate authority of the board—are included in this class. These rules are adopted, amended, or repealed according to the procedures established by the several University authorities themselves. Power to adopt them may be expressly delegated in the *Bylaws*, implied from other powers conferred upon such authorities, or implied from general usage. Since such rules are not filed with or approved by the Board of Regents, they do not appear on record in the *Proceedings of the Board of Regents*. They are recorded in the minute books of the authorities adopting them and are filed with the secretary of the university.

When there is a governance vacuum, someone will move to fill it. We urge faculty to ensure that they are meeting their primary responsibilities. Likewise, we urge chairs and deans—even in cases where authority to deny the will of the faculty or the request of an individual is explicit in the department, school, or college code—to make a studied practice of providing reasons for their negative decisions. To do so is crucial for mutual respect, while not to do so undercuts channels of communication for many other matters as well.

(iv) *Grievance procedures.* There appear to be a variety of grievance processes, some addressed by Human Resources (HR) and reportedly without clear procedures or conclusions. For grievances addressed by the Faculty Grievance Committee, see suggestions in Appendix 1—though amending the language is a temporary measure. We recommend that the faculty discuss features of the SACUA model grievance procedure<sup>4</sup> with a view to rationalizing grievances on the UMF campus. Some faculty said fear of retaliation in disagreements over tenure, promotion, pay, and course assignment prevents their seeking remedies through the grievance process; other faculty are “frequent filers”; either way, studious attention to the policy would be worthwhile. We also recommend that the UMF Ombuds receive training in mediation (if this is not already done) to better assist in settling disputes and would-be grievances informally.

(v) *Building trust.* Additional suggestions to promote trust and common cause:

- a provost “fireside” or “roundtable” meeting with new faculty (October, after HR orientation) to discuss *principles* of academic freedom and shared governance;
- repair of those aspects of the general education program that cause competition among units for revenue;
- workshops on taking minutes (especially in developing cooperative relationships between staff and faculty); parliamentary procedure, relying on the basics of *Robert’s Rules of Order, Newly Revised*; and bylaws boilerplate language. (See appendices.)

The label CONFIDENTIAL appears to be overused in the context of governance and thus has come to be ill respected, a situation that needs to be discussed and set right. The representative nature of most governance bodies requires that the default condition be openness to robust discussion and debate. Deeming committee discussions confidential, or confidential until minutes are approved or posted, is harmful to the democratic process; committees intended to represent their constituencies should share information and listen to the views of those they represent. But there are exceptions too. For example,

The imposition of confidentiality requirements is more likely to occur in administrative searches and discussions of budgetary matters—areas in which the faculty does not have primary responsibility but which nevertheless require meaningful faculty participation because of their relationship to areas in which the faculty does have primary responsibility.<sup>5</sup>

Information about specific tenure and promotion cases was not sought from interviewees. However, some faculty said generally that deans overturn departmental or executive committee decisions more often than they should, more often than in the past, and without providing reasons. The 1966 *Statement* includes the following language, which serves as an excellent framing of this problem, and which we recommend to the Flint colleagues:

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<sup>4</sup> <<https://facultysenate.umich.edu/wp-content/uploads/sites/22/2015/03/grievance.pdf>>

<sup>5</sup> AAUP, *Policy Documents and Reports*. 11th edition. Baltimore: Johns Hopkins University Press, 2015, p. xvi.

Faculty status and related matters are primarily a faculty responsibility; this area includes appointments, reappointments, decisions not to reappoint, promotions, the granting of tenure, and dismissal. The primary responsibility of the faculty for such matters is based upon the fact that its judgment is central to general educational policy. Furthermore, scholars in a particular field or activity have the chief competence for judging the work of their colleagues; in such competence it is implicit that responsibility exists for both adverse and favorable judgments. Likewise, there is the more general competence of experienced faculty personnel committees having a broader charge. Determinations in these matters should first be by faculty action through established procedures, reviewed by the chief academic officers with the concurrence of the board. The governing board and president should, on questions of faculty status, as in other matters where the faculty has primary responsibility, concur with the faculty judgment except in rare instances and for compelling reasons which should be stated in detail.

We suggest further that, after each period of 3–5 years, the UMF Faculty Council should provide a summary of the percentage of overturned vs. accepted tenure and promotion recommendations, available to faculty and administrators alike.

### *3. Structural Aspects of Shared Governance*

*(i) The status of lecturers.* Chancellor Borrego, Provost Knerr, and several faculty noted the importance of moving highly qualified LEO faculty into tenure-system positions, the wisdom of which we applaud. Concerning the principle, UMF is ahead of many of its peers, but the successful implementation of the principle requires deliberation at all levels. Because appointments are matters of faculty status, and thus a matter in which the faculty has primary responsibility, it is essential that faculty have a formative role in determining which positions outside the tenure system should be converted, and on what terms. The AAUP statement, *Contingent Appointments and the Academic Profession*,<sup>6</sup> may be helpful in this regard. It includes a section on what is involved in the transition from current to best practices with respect to faculty now outside the tenure system. Among the steps that are discussed there in detail are the assessment of the university's current situation (e.g., noting tenure lines presently in the budget), clarification of the goal of the transition (including how many tenure lines are needed for departments and programs to run well), criteria for tenure (e.g., possible credit for time served, possible grandfathering of faculty preferring not to submit to the intensive review that tenure decisions require), the application process and its possible relation to national searches, and anticipated costs. These are not matters that can or ought to be dictated by anyone outside UMF, and we urge the faculty and administration to turn to such discussions and decisions as a matter of urgency so that position descriptions can be submitted through governance and any hiring of new LEO faculty calibrated accordingly.

*(ii) The status of librarians.* Librarians are faculty members, as both the UMF Code and the

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<sup>6</sup> <<https://www.aaup.org/report/contingent-appointments-and-academic-profession>>

Regents *Bylaws* attest. The *Joint Statement on Faculty Status of College and University Librarians*,<sup>7</sup> formulated cooperatively by the Association of College and Research Libraries, a division of the American Library Association; the Association of American Colleges and Universities;<sup>8</sup> and the AAUP states:

College and university librarians share the professional concerns of faculty members. Academic freedom is indispensable to librarians in their roles as teachers and researchers. Critically, they are trustees of knowledge with the responsibility of ensuring the intellectual freedom of the academic community through the availability of information and ideas, no matter how controversial, so that teachers may freely teach and students may freely learn. Moreover, as members of the academic community, librarians should have latitude in the exercise of their professional judgment within the library, a share in shaping policy within the institution, and adequate opportunities for professional development and appropriate reward. Faculty status entails for librarians the same rights and responsibilities as for other members of the faculty. They should have corresponding entitlement to rank, promotion, tenure, compensation, leaves, and research funds.

On the UMF campus, librarians do not yet have the rights of other faculty. Not only are they in a promotion system rather than a tenure system, they do not have representation on Faculty Council, the Academic Affairs Advisory Committee, or other important committees where their contributions would be valuable. We recommend such UMF Code amendments as are necessary to rectify the current situation with respect to committees. Over the longer term, the transition to a tenure system for librarians should be seriously considered.

*(iii) Committee representation.* We recommend the addition of at least one faculty member to the committee that considers the strategic budget, not just discretionary funds which the current Chancellor's Advisory Committee for Budget and Strategic Planning addresses. The 1966 *Statement* recommends:

The allocation of resources among competing demands is central in the formal responsibility of the governing board, in the administrative authority of the president, and in the educational function of the faculty. Each component should therefore have a voice in the determination of short- and long-range priorities, current budgets and expenditures, and short- and long-range budgetary projections.

Additionally, the AAUP's statement *The Role of the Faculty in Budgetary and Salary Matters*, adopted in 1972, reads as follows:

The faculty should participate both in the preparation of the total institutional budget and (within the framework of the total budget) in decisions relevant to the further apportioning of its specific fiscal divisions (salaries, academic programs, tuition, physical plant and grounds, and so on). The soundness of resulting decisions should be enhanced if an elected representative committee of the faculty participates in deciding on the overall allocation of institutional resources and the proportion to be devoted directly to the academic program. *This committee should be given access to all information that it requires to perform its task effectively, and it should have the opportunity to confer periodically with representatives of the administration and governing board.*

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<sup>7</sup> <<http://www.ala.org/acrl/standards/jointstatementfaculty>>

<sup>8</sup> Formerly, the Association of American Colleges.

*(iv) The use of ad hoc committees.* The current need for task forces is a sign that UMF does not now have the particular committees that serve the interests of the whole. For a university of its size, UMF has far too many standing committees, making invidious the effort to stay up-to-date about their work, a situation made worse by the nonexistence of a central governance website where minutes and semester (or annual) reports of action items are published. It is fine that some committees meet only electronically, or only once per semester or year, but the number of committees should be streamlined, and the roles of the remainder rationalized. At this time of transition in the upper administration, for example, it is important to determine what advice from faculty should be informing vice chancellors and other top administrators whose crucial roles affect the educational mission of UMF. For example, some aspects of the registrar/advising initiative have inadvertently redrawn degree requirements by incorrectly categorizing how courses count; closer coordination with faculty is utterly essential in such curricular matters. Although the Academic Affairs Advisory Committee has general responsibility for the *Catalog* (Article 3, §4b), UMF has grown larger, and it is probably necessary for a faculty member, or the chair, in each department to have annual responsibility for checking that curriculum and advice are as they should be.

When the faculty's practice of shared governance has matured, and some of the current rancor has subsided, the possibility of enlarging the Faculty Council or introducing proportional representation should be discussed by faculty (Article 3, §4o is a step in that direction). We noticed that the very word "senate" appears to be a hot-button issue with some faculty, but it is not a topic we pursued.

#### *4. Communication*

As in many such situations, a lack of timely and open communication across and among the faculty and administration was obvious in our brief discussions. This is, first and foremost, an issue of the university's internal culture, as in section 1 above, but some more structural comments are raised here.

*(i) Transparency and access to information.* UMF governance is not at all transparent, and information can be impossible to find, resulting in increased suspicion within and among levels of governance. Most documents (codes, policies, meeting dates, membership, agendas, and minutes) are posted by individuals on Blackboard or blogs, making it difficult to ferret out the most basic information. Some agendas and minutes are even distributed as emails only to the members of committees, unintentionally thwarting efforts at an informed campus community. Currently, as individuals' positions on committees change, locations of information change.<sup>9</sup> To take one example, the minutes of the important Chancellor's Advisory Committee for Budget

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<sup>9</sup> During the months of the review, basic governance documents had to be requested one-by-one from faculty members.



and Strategic Planning disappeared from the UMF homepage after the 2015–16 academic year.

Minutes of meetings were frequently mentioned as a fraught issue, with complaints ranging from agendas resubmitted as minutes to near-transcripts masquerading as minutes. Neither caricature serves the interests of UMF (see Appendix 2).

UMF librarians are a natural and seemingly neutral conduit for information. We suggest exploring possibilities for a collaboration between some of the librarians and the provost that would collect and maintain governance information in a timely way published in one place for the campus community—linked from the UMF homepage where FACULTY or GOVERNANCE should be added to the main menu. The Secretary of the Faculty’s responsibilities (Article 3, §1b) would be more effectively carried out by centralized, online publication followed by archiving. It is librarians who typically maintain the archives of research universities. The provost should in any case have a web presence in his academic role, like that of the chancellor, in the pull-down menu at the main menu’s ABOUT; principles of effective shared governance should be featured there. The provost has a number of initiatives to his credit (providing additional research funds to faculty, establishing task forces) though one only learns of them from a few faculty and the chancellor—further reason to treat provostial web space as a priority.

(ii) *Cross representation.* To facilitate communication further, faculty representatives (perhaps chairs of the Faculty Council, Academic Affairs Advisory Committee, and Chancellor’s Advisory Committee on Budget and Strategic Planning) should be invited to attend meetings of the president’s cabinet and the deans’ council, if not the meetings of chairs and directors as well, on a regular basis—or at least when items requiring faculty consultation are on the agenda. While, in theory, anyone may attend Michigan’s “open meetings,” the fact is that there is no central calendar of governance meetings, few regular times or venues, and spotty publication of agendas and minutes.

## 5. *Bylaws Issues*

Some codes are out of date. The 2003 UMF Code—although some policies may have been amended *ad hoc* and without citation since then—is out of compliance with Regents *Bylaws*. Regular review and amendment has not been a part of campus practice generally, though it is heartening to learn of initiatives in the schools, the new School of Nursing in particular, to write bylaws by appropriately consulting Regents *Bylaws*. This should be encouraged in all ways possible. Appendix 1 to this report lists instances of inconsistency and non-compliance between the Regents *Bylaws* in the UMF Code *et al.*, but a systematic and rigorous comparison of the documents by detail-oriented faculty is needed. At present, the Faculty Council “receive[s] recommendations for amending the Code” and ensures its circulation to the faculty. It prepares proposals for amendment “to be voted upon by the UM-Flint faculty.” However, someone or some committee—perhaps the Secretary of the Faculty—should have routine responsibility for

(a) noting when Regents *Bylaws* are amended so the Code can then be made compliant as necessary, and (b) reviewing the Code at regular intervals. Five-year periods are common. We were told that the current UMF Nominating Committee was, at some former time, a committee on nominations and code; given that the nominating process is seasonal, such a combination of duties is one reasonable solution.

A most troubling inconsistency requiring urgent attention is the 98-page 2014 booklet entitled “Promotion and Tenure Guidelines for Tenure-Track Faculty at the University of Michigan-Flint” which quotes at length the outdated 1993 version of Regents *Bylaws* 5.09 “Procedures in Cases of Dismissal, Demotion, or Terminal Appointment” (revised April 2011). Because faculty grieving the denial of tenure (who have received their notice of terminal appointment following the denial) must already consult documentation at the department, school or college, and UMF levels, this added discrepancy in a 2014 set of guidelines makes an unwarranted labyrinth of the appeal process.

The College of Arts and Sciences is a large college with a large number of departments and programs, each of which should have bylaws of its own, consistent with the college code, the UMF Code (after it has been made current) and the Regents *Bylaws*. The college operates with bylaws last amended in 2011 and standing rules last amended in 2013; the two documents overlap one another and sometimes appear to conflict, necessitating interpretation by the executive committee or dean. The two documents need to be rationalized, clarified, and updated with respect to Regents *Bylaws*, hopefully requiring then little or no *ad hoc* interpretation. Such independent governance documents as “Responsibilities, duties and expectations of Chair, College of Arts and Sciences,” dated March 28, 2007 (of unknown provenance to us), should be discussed and voted on by the faculty, if that has not already occurred, and integrated with the CAS Code. When proposals for bylaws changes are brought to the faculty for voting, it is crucial that the implications of each amendment—if passed and if not passed—accompany the proposals.

Good governance practices require the presence and participation of faculty; meetings that only report information—regardless of the speaker—are likely to be perceived as inadequately valuable compared to other demands on faculty members’ time. Written quorum policies in the UMF Code and the code of the College of Arts and Sciences exacerbate faculty attitudes that governance is not working by undermining the importance of having faculty present.

## 6. Searches and Evaluations of Administrators

(i) *Administrator searches.* According to the 1966 *Statement*, “The selection of a chief administrative officer should follow upon a cooperative search by the governing board and the faculty, taking into consideration the opinions of others who are appropriately interested.” The UMF Code currently has no provision for faculty participation in the selection and hiring of

administrators, but it should have. Section 2.03 of the Regents *Bylaws* provides that “The chancellor of the University of Michigan-Flint will be appointed on recommendation of the president” by the Regents. Nothing therein forbids the faculty’s active role in that process; and nothing in the UMF Code forbids it. UMF faculty should establish a regular procedure that would enable the president to take their collective expertise and advice into account in appointment decisions.

Mutual trust is encouraged when a chancellor consults relevant faculty committees in the appointment of vice chancellors and deans—another key issue on which the UMF Code is silent. *Faculty Participation in the Selection, Evaluation, and Retention of Administrators*,<sup>10</sup> particularizing the 1966 *Statement*, states,

The role of the faculty in the selection of an administrator other than a president should reflect the extent of legitimate faculty interest in the position. In the case of an academic administrator whose function is mainly advisory to a president or whose responsibilities do not include academic policy, the faculty’s role in the search should be appropriate to its involvement with the office. Other academic administrators, such as the dean of a college or a person of equivalent responsibility, are by the nature of their duties more directly dependent upon faculty support. In such instances, the composition of the search committee should reflect the primacy of faculty interest, and the faculty component of the committee should be chosen by the faculty of the unit or by a representative body of the faculty. The person chosen for an administrative position should be selected from among the names submitted by the search committee. The president, after fully weighing the views of the committee, will make the final choice. Nonetheless, sound academic practice dictates that the president not choose a person over the reasoned opposition of the faculty.

The mention of “names submitted by the search committee” does not preclude ranking, nor does it mandate ranking; however, analytic comments offered by search committees normally make ranking otiose. Refusal to allow search committees to rank candidates should never be used as a subterfuge to generate the mere appearance that the will of the search committee is not being undermined. It is reasonable to expect that search committees for vice chancellors who will be expected to coordinate with faculty, in areas where faculty have primary responsibility, should have a majority of faculty and be chaired by a member of the faculty. But that reasonable expectation may conflict with other considerations. With nothing written, and especially at a time when administrators are new and expect to be able to consult bylaws to determine local procedures, it is unreasonable to complain after the fact that searches were conducted differently in the past. For the common good, all parties should move forward without recriminations and with better understanding of the principles of shared governance.

Methods for electing/appointing chairs differ by department, and we did not examine departmental codes. The 1966 *Statement* contains the following language regarding the selection of chairs:

The chair or head of a department, who serves as the chief representative of the department within an institution, should be selected either by departmental election, or by appointment following

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<sup>10</sup> <[http://www.hawaii.edu/uhmfs/faculty\\_governance/198106\\_AAUP%20guidelines.pdf](http://www.hawaii.edu/uhmfs/faculty_governance/198106_AAUP%20guidelines.pdf)>

consultation with members of the department and of related departments; appointments should normally be in conformity with department members' judgment. The chair or department head should not have tenure in office; tenure as a faculty member is a matter of separate right. The chair or head should serve for a stated term but without prejudice to reelection or to reappointment by procedures that involve appropriate faculty consultation.

All departments should have written policies that comply with the more general policy of the school or college. Decanal non-appointment of chairs who have been elected in conformity with the terms of departmental bylaws, or removal of chairs before the expiry of their terms, should be rare. It is a source of suspicion and resentment that might be alleviated if departmental code includes a procedure by which chairs could be fairly and jointly determined.

(ii) *Administrator evaluation surveys.* UMF is to be commended for its commitment to the conduct of regular surveys of the faculty evaluating administrator performance. The weight of such surveys, however, demands that they be addressed with the greatest care, beginning with the development of a formal statement in the UMF Code. Currently, section 3 of an appendix to the code provides a "summary of the Faculty Council's General Policy" on surveys of administrators. A detailed policy is needed, and it needs to be followed judiciously. The March 2016 chancellor survey apparently failed to include the job description referenced in the policy. Much worse, the deliberate leaking of comments accompanying the chancellor's evaluations was a flagrant violation of the terms of the summary policy and harmed the relationship of trust that is so fragile in such circumstances. No one offered the comments to us, and we have no right nor interest to see them. The thoughtful report of the *ad hoc* committee charged with delineating faculty concerns and making recommendations based on the survey made it clear that the faculty has many uncodified expectations of the chancellor that could not have been anticipated, however reasonable those expectations.

## 7. Conclusion

Structural changes, best-practice recommendations, and suggestions made in this report cannot change the governance climate at UMF by themselves. By all accounts, the mutual trust and respect that are required for a functioning shared governance system will need to be repaired at UMF, which will require willing steps by both the faculty and the administration. It will also take time. As external reviewers, we can only provide a framework for discussion of current conditions and of what the university could be if the good will of the faculty and administrators is put to the task of transforming the atmosphere along with the policies.

Respectfully submitted,  
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## Appendix I: Discrepancies with Regents *Bylaws* and Other Code Suggestions

As the report above explains, although UMF has an internal mechanism for amending its code, it no longer has a body—committee or officer—with continuing responsibility for reviewing the code at intervals or for revising it to comply with Regents *Bylaws* amendments as those are issued following board meetings in the *Proceedings of the Board of Regents*. This list was formulated during our review of documentation and, while intended to assist UMF faculty in bringing its code into compliance, cannot substitute for a systematic bylaws review. The activities around the fast approaching UMF reaccreditation exercise would seem to provide a very opportune moment to reexamine, refresh and revitalize the UMF codes and bylaws, with the faculty especially studying these codes and bylaws. They need to appreciate that shared governance entails their playing an active role in the governance of the institution, something clearly granted them in the Regents *Bylaws*.

### UMF Code

Article 1, §1c (cf. Regental 5.01): The term “instructional unit” shall be used to designate a school or college or such other comparable entity as may be established by the Board of Regents of the University of Michigan.

*We recommend deleting this article as non-standard. “Instructional unit” is not defined or mentioned in the Regents Bylaws; it is shortened to “unit” in a variety of UMF documents—which is confusing because the term “unit” is ubiquitous in academia as the generic term for any college, school, department, center, or program. There is at least one place in the code (Article 3, §4o) that has already abandoned the usage.*

*If deleted, “instructional unit/s” will need to be amended (e.g. to “school/s and college” at Article 1, §1e; §2a and 2b (twice); Article 2, §1, par. 1 (twice), 2, 3, and 5; §3, par. 1; Article 3, §1a, par. 1, 2, and 3 (twice); §4a, par. 1; §4b, par. 1 and 2 (twice); §4c, par. 1; §4d, par. 1; §4e, par. 1; §4f, par. 1; §4g, par. 1; §4h, par. 1 and 2; §4i, par. 1; §4j, par. 1; §4k, par. 1; §4l, par. 1; §4m, par. 1 and 2; §4n, par. 1 and 2; §4p, par. 1; §4q, par. 1; §4r, par. 1 and 2 (twice); Appendix §2, par. 1, 2 and 4; §4a, §4b, §4c; §6 title; §6a (twice); §6c (note that the term “instructional programs” also appears in Appendix §6c); §6d.*

*Corresponding entries in the contents pages should also be amended.*

Article 1, §1d (see Regental 5.01.3): The term “governing faculty,” when used in connection with a school or college, shall include those members of the school or college who are professors, associate professors, **and** assistant professors, ~~and clinical professional staff~~. The governing faculty shall include instructors and lecturers who hold appointments of one-half time

or more provided that they have held appointments for one or more years and are authorized to vote by a majority of the professorial staff of the appropriate school or college.

*In October 2003, the Regental bylaw was amended to delete clinical professional staff as illustrated, adding language that permits their inclusion among governing faculty “when authorized by, and in accordance with, the policies and bylaws of the appropriate school or college.” Particularly in medical and legal programs, clinical professional faculty (sometimes a courtesy title) were rarely involved in the central mission of the university. The situation may be different, however, at UMF.*

*Further definitions were amended in 2003 at Regental 5.01. As UMF has matured, it may be useful to add other designations to the UMF Code. In particular, unit codes and other UMF documents mention LEO faculty, even LEO III and LEO IV—without explanation, so it would be useful to define “LEO.” It was unclear to us whether there are instructors or lecturers who are not a part of LEO.*

Article 2, §3, par. 1 (cf. Regental 5.06): The dean or director or administrative head of **a school, college, or department of instruction or research** ~~an instructional unit shall~~ **will** be appointed by the ~~board~~ **Board of Regents** on recommendation**(s) required under these bylaws, and in all cases, on the recommendation** by the chancellor and by the president<sub>2</sub>, to act as executive officer of the **school, college,** ~~instructional unit~~ or department.

*Insertions and deletions illustrated above conform to the Regental amendment of July 2016. Further minor Regental changes to par. 2 are not substantive.*

Article 3, §3b, par. 2 and *passim*: Chairs of all Faculty Council standing committees must **post** ~~include the chair of the Faculty Council in the circulation of~~ agendas and minutes **for the information of all faculty and** ~~Committees~~ must keep the Faculty Council advised when **major** substantive issues are being considered by their committees.

*A variety of locutions (e.g., “make available,” “send,” “circulate,” and “distribute”) are used of agendas and minutes. We recommend that “publish” and “post” be the preferred terms, and that they refer to a single governance website, increasing the openness and transparency of UMF governance, and making obsolete the notion of copying the chair or others.*

Article 3, §4m, par. 1–3: The Faculty Grievance Committee shall consist of five tenured members including at least one member from each instructional unit. ~~The committee will conduct hearings on any grievance brought by a faculty member (full or part-time) against actions of the university or about actions of any of its administrators beyond the level of an~~

~~instructional unit. Grievances may be taken up against actions of a dean if grievance processes within the unit have been exhausted. Requests to have a grievance considered by the Faculty Grievance Committee should be directed to the chair of the committee within six months of the occurrence of the grievance (or from the time the faculty member learned of the grievable action). In the event a member of the Faculty Grievance Committee is the grievant or has a conflict of interest in the grievance, the Nominating Committee, upon the request of **any member of** the Faculty Grievance Committee, will appoint a temporary replacement for the specific case only. See the Standing Rules of the UM-Flint Faculty, 7, for grievance procedures.~~

*The recommended deletions (inserted below) are intended to eliminate overlap with standing rule 7 (under general principles of bylaws editing). A faculty member should be able to find all relevant information in a single place.*

*The reason for the insertion above is that the distinction between conflicts of interest and perceived conflicts of interest can be difficult to discern; and faculty members may be reluctant to recuse themselves or even to recognize that their relationship or perceived relationship to a grievant may constitute a conflict of interest in others' eyes. The entire grievance process needs to be above suspicion.*

Standing Rule 7. Faculty Grievance Procedure

**The committee will conduct hearings on any grievance brought by a faculty member (full- or part-time) against actions of the university or about actions of any of its administrators beyond the level of a school or college. Grievances may be taken up against actions of a dean if grievance processes within the unit have been exhausted.** Requests to have a grievance considered by the Faculty Grievance Committee should be directed to the chair of the committee within six months of the occurrence of the grievance (or from the time the faculty member learned of the grievable action). Within two weeks of its first meeting to consider the grievance, the Faculty Grievance Committee must advise the grievant and the respondent in writing whether it will proceed with the review. If it decides the complaint is not grievable, it must state its reasons. If it decides to proceed, it shall specify the date, time, and location the review will begin and the issues it will consider. The committee shall then furnish both the grievant and the respondent a copy of these procedures.

The committee shall deliver to the grievant and to the respondent a provisional decision within one month after completion of testimony. The decision shall include a written [WORD MISSING] of the testimony, a statement of factual findings, and, if appropriate, a recommended remedy. The grievant and the respondent shall have one week after receipt of the provisional decision to submit a written response.

The committee shall consider any responses to the provisional decision and shall deliver its final decision within two weeks after delivery of the provisional decision. The final decision shall include a written summary of the testimony, a statement of factual findings, and, if

appropriate, a recommended remedy. This decision and advisory recommendation shall be presented to the grievant, the respondent and the person or persons with the decision-making authority to provide redress. If this decision-maker does not follow a recommendation of the committee, the decision maker must provide the Faculty Council, the grievant and the respondent a written explanation within one month after the Faculty Grievance Committee decision.

*The missing word is probably “summary”; but some universities use transcripts or recordings at one or both decision stages.*

### *College of Arts and Sciences Code*

Article I, §4, preamble, should be checked for currency against Regents *Bylaws* 5.06, which was amended in July 2016.

Article I, §4e is lax about keeping all the faculty informed of the work of the Executive Committee.

Article II repeats much of the information in the CAS standing rules; the two documents would benefit from integration to avoid overlap and inconsistency.

### *College of Arts and Sciences Standing Rules*

Items 3.4 and 3.5 hark back to earlier means of distribution. CAS has a functioning website, and should be publishing agendas, minutes, and reports there.

Item 4.2.2 on the use of UMF equipment conflicts with the *University of Michigan Faculty Handbook* 9.K.

### *School of Education and Human Services Code*

Article 1, §2c and §2h should be made consistent: “majority of the professorial faculty” in SEHS in the former (compliant with Regental 5.01.3) and “majority of SEHS faculty” in the latter.

Article 1, §2h: With respect to two unusual provisions—administrators’ retaining voting rights, and the clinical faculty’s eligibility to vote on all issues except promotion and tenure—the governing faculty should ensure that the code is doing its job correctly. Individuals should be eligible to vote without conflicts of interest, and within the areas of their expertise and



experience (traditionally: teaching, research, and service). See also the UMF Code note at Article 1, §1d (see Regental 5.01.3) above.

Article 1, §4a: “. . . by the Regents on recommendation of the **chancellor and the president**.”  
*Insertion conforms to the Regental amendment of July 2016.*

Article 4, §1, par. 2: The wording (e.g., “through the Office of the Provost and Chancellor”), while not inaccurate, and while balanced by “the capacity of the faculty,” may suggest that approval of amendments to the SEHS Code is a stepwise process, requiring interim checks and approvals. That is not the case. Although it is usually good to have commentary from others in the amending of bylaws, it is the governing faculty that by its vote amends and approves its bylaws on the matters listed (Article 4, §2), assuming there is no conflict with UMF Code and Regents *Bylaws*.

As mentioned in our report, the 2014 “Promotion and Tenure Guidelines for Tenure-Track Faculty at the University of Michigan-Flint” (widely circulated as a pdf), includes the outdated 1993 version of Regents *Bylaws* 5.09 “Procedures in Cases of Dismissal, Demotion, or Terminal Appointment” (revised April 2011).

*Because major revision of code is proceeding in the College of Nursing, School of Health Professions and Studies, and School of Management, we have not transferred comments on their codes to this appendix.*

## **Appendix II. Attachments**

- a. Parliamentary Motions Guide for University Contexts (handout, 2 pp.)
- b. Agendas, Minutes, and Reports for University Meeting Contexts (handout, 2 pp.)
- c. *Academic Freedom Primer* by Ann H. Franke and Robert M. O’Neil, Ford Foundation: Difficult Dialogues Initiative, 2011 (17 pp.)
- d. *Good Practice in Tenure Evaluation: Advice for Tenured Faculty, Department Chairs, and Academic Administrators*, by the American Council on Education, the AAUP, and United Educators Insurance Risk Retention Group, 2000 (33 pp.)