



AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS:

UNIVERSITY OF MICHIGAN-FLINT CHAPTER

APRIL 2018 NEWSLETTER FROM THE UM-FLINT CHAPTER



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ABOUT THE AAUP

The AAUP as a national association (www.aaup.org) offers support to faculty across the country on a wide variety of matters, from webinars on issues in higher education to providing consultation support for

grievances. The AAUP also publishes professional guidelines on governance and academic freedom that have become the model for governance at the University of Michigan. Not only does U of M recommend the AAUP as a resource for its faculty, much of the Regents Bylaws and University of Michigan Faculty Handbook is in fact material derived from national AAUP’s governance policies. The AAUP national also offers professional liability insurance. Across the country AAUP chapters work with faculty to advocate for best practices in higher education, particularly as they relate to governance, academic freedom, and the concerns of faculty and their students.

At the chapter level, the AAUP at UM-Flint hosts meetings to hear from faculty and students, and organizes workshops on matters relevant to governance and academic freedom. The AAUP can be a resource for departments, chairs, directors, executive officers, and faculty on governance and academic freedom questions when they arise. Grievance officers can also provide support for individual faculty. See our website at: <https://blogs.umflint.edu/aaup/>.

The AAUP newsletter, intended for all faculty at UM-Flint, will appear at regular intervals throughout the calendar year.



ACADEME HIGHLIGHT

In this section an article from AAUP’s journal is highlighted.

Principles and Practices of Critical Inclusive Pedagogies
Hosted by Mott Community College

UM-Flint faculty may find this upcoming event of interest to their professional development: Sponsored by the Quad-POD Consortium <[Link to event](#)> Thurs., Apr. 12, dinner & presentation, 5:30-8:00 pm Fri., Apr. 13, workshop, 9:00-11:00 am. Both events are held at the Mott Community College Event Center. See your e-mail notice from the TCLT Director Tracy Wacker.

In relation to this event, AAUP UM-Flint recommends the Nov./Dec. 2016 issue of the journal *Academe* featuring the article “Eight Actions to Reduce Racism in College Classrooms: When Professors Are Part of The Problem.” <https://www.aaup.org/article/eight-actions-reduce-racism-college-classrooms>

In addition to its eight actions, authors Shaun R. Harper and Charles H.F. Davis III recommend

‘developing racial literacy from publications and attending conferences are critically important to creating safer, more inclusive classroom environments for diverse learners.’



FACULTY CONCERNS: STRIKE FOR UNIVERSITY OF MICHIGAN'S LEO FACULTY?

In this section faculty concerns are highlighted.

LEO faculty will not strike yet based on the latest update from the organization, which posted the following on 04.08.2018:

‘Sunday night, the Lecturers’ Employee Organization informed the university that LEO, the union representing lecturers on all three University of Michigan campuses, will not call for a strike Monday and Tuesday. The university and LEO bargaining teams met through the weekend and reported making significant progress in contract negotiations. Talks will continue this week.’ For up-to-date information on the negotiations see <https://hr.umich.edu/working-u-m/my-employment/academic-human-resources/contracts/about-leo>

Although the UM-Flint AAUP chapter is an advocacy rather than a collective bargaining chapter, the AAUP has a long history of supporting a faculty member’s right to participate in collective bargaining. One of the primary concerns of the Lecturers’ Employee Organization, which has been negotiating a new contract with U of M for some time, is pay. One of its arguments is summarized by the *Michigan Daily*: ‘*In 2016 and 2017, lecturers produced \$462 million in revenue while the cost of employment was \$85 million, resulting in a surplus of \$377 million. LEO argues the University is more than capable of raising wages and improving benefits by using this surplus*’ (<https://www.michigandaily.com/section/administration/leo-members-authorize-leaders-call-strike-if-admin-does-not-offer->).’ Salaries at UM-Flint, for example, are claimed by some LEO faculty to be inferior to those paid for comparable faculty positions at neighboring Mott Community College. The UM-Flint AAUP chapter cannot possibly summarize all the concerns or relevant debates on these matters, but the following points are offered as food for thought on the concerns of contingent faculty:

- i) They lack the protection of the tenure system, which AAUP recognizes as the primary protection for academic freedom.

- ii) There is usually a significant pay disparity between tenure-stream and non-tenure-stream faculty, especially for Lec Is and IIs at our campus. Although there are also differences in service and research expectations, such difference does not necessarily equate to an appropriate difference in pay.
- iii) LEO faculty at Lec I and II levels tend to be excluded from governance roles, including within programs and departments, but also at the school/college and campus levels. Not only are such faculty often unable to participate in voicing internal criticism as needed, as the number of contingent faculty grows, the governing faculty suffer in power and influence by having fewer faculty in tenure-stream or even full-time positions who can fully exercise academic freedom. The ease with which Lec IIs can transition to Lec III rank also seems to be a concern for some LEO faculty on the Flint campus. A growing dearth of tenure-stream instructor positions at North-American universities forces many scholars to live transitory and unpredictable lives where the cancellation of one class can result in loss of medical benefits for an entire family, while many are spread thin working for multiple campuses just to scrape together a salary reflective of half of what a tenure-stream faculty would make within an institution like ours. Heavy reliance on contingent faculty also results in instability for programs, students, and faculty, especially when replacement of tenure-stream faculty does not keep up with losses. CAS, for example, is currently in what is effectively (if not in name) a two-year faculty hiring freeze (although hiring in CAS administrative staff continues unabated and it seems that the faculty hiring freeze is closer to 5-6 years for arts and humanities instructional units). Such staffing crises can put undue pressure on Lec Is and IIs while limiting their opportunity to compete for more stable positions.

Per Stephen Garrett Dewyer, founder of the Public Arts Commission, ‘*The dependence on part-time professors for the majority of teaching at universities is bad for students, faculty and democracy. Part-time professors do not have tenure, meaning academic freedom simply does not apply to their classes. Without academic*

freedom, professors no longer have the freedom to teach material that a ruling ideology deems to censor. The inability to teach challenging material in the majority of university courses puts students at a disadvantage. The watering-down of critical course material from the curriculum erodes the capacity of the university to foster intellectual debate necessary for democracy to thrive (Newsletter 5 Apr. 2018).'

It is therefore important to advocate for tenure-track posts when a new or replacement full-time teaching load can be supported in your department or program. For some a contingent position is desirable and professionally beneficial, especially in clinical areas, but that is not the case for all LEO faculty. For LEO and contingent faculty in general, support is needed to ensure that their unique perspectives and needs are being considered in matters that impact faculty and students. Perhaps one lesson learned by the ongoing negotiations at U of M is that tenure-stream and LEO faculty need to work together to better support each other and their students.



**GOVERNANCE AT UM-FLINT:
THE ART OF SETTING A QUORUM**
In this section current governance initiatives are highlighted.

Abstract: Faculty Council has proposed a Faculty Code change that would drop the quorum required for business to be conducted in governing faculty meetings from over 50% (162 members) to 20% (65 members). This proposal came after a possibly historically low-attended meeting in March 2018 of only 8% (27 members), followed in April 2018 by 32 or 10%. If the change in quorum is passed it will have a significant impact on the success of upcoming agendas, among other things. Based on Faculty Council Chair Alfaro's announcements at the March meeting about upcoming business in May, Faculty Council possibly plans to propose major changes that impact the campus's standing within the University of Michigan, as well as its agenda on administrator reappointments. The Faculty Code allows decisions to be made in meetings with 2/3 support, so if the quorum was reduced to 20% (or 65 faculty members), this would mean that the threshold to pass measures would be about 43 people for agendas from governing faculty. If the agenda was from Faculty Council, since it accounts for 12 of those 43, if Faculty Council members attended, and if its members chose to support its motions, with Faculty Council only 31 of 323 faculty could pass

measures of critical import to the campus, irrespective of whether all units were well represented. In this scenario, 13% of faculty would be able to make decisions for the 87%.

There is an art to setting a quorum. When you set a quorum, the primary question should be, how easy should it be to make significant changes or decisions. A quorum is the minimum number of members of a deliberative body that is required to conduct business. Meetings are not typically called to order until a quorum is present, since you need a quorum even to pass minutes. Robert's Rules states: *When the time of the meeting has arrived, the presiding officer opens it, after he has determined a quorum is present, by calling the meeting to order* (for the official version see <http://www.rulesonline.com/search.htm>). The needs of a given group in decision making and the group's individual makeup usually play a role in setting a quorum. Does representation of the group's constituents matter? Should a quorum be changed based on the highs and lows in the group's engagement or participation, especially if participation may be constituting a form of protest? Is it okay for a relatively small number of members who happen to be able to attend a meeting to make important decisions for everyone, irrespective of whether they have been elected to do so, or whether they broadly represent the body's interests? Is it acceptable for the outcomes of decisions at meetings to be based on the accident of when a relatively small group can attend, especially if meetings are not predictably scheduled? On this Robert's Rules indicates that: *While a quorum is competent to transact any business, it is usually not expedient to transact important business unless there is a fair attendance at the meeting, or else previous notice of such action has been given.*

A low quorum may mean over time that fewer faculty attend meetings; if fewer faculty attend meetings, fewer faculty remain informed on the problems and issues before the group. While a quorum should not be so high as to be unattainable, as Robert's Rules recognizes, if changes to a quorum are proposed, it is also imperative that a group's members have a clear sense of why the proposal is occurring.

At the University of Michigan, the Regents Bylaws are the ultimate authority on matters of university policy and procedure. These Bylaws state that all deliberative bodies of the institution will use Robert's Rules of Order to conduct their business. Section 5.04 on Faculty Procedure reads as follows:

Each faculty shall adopt rules for its own government and procedure and shall appoint a secretary, define the secretary's duties, and keep a record of faculty action. In the absence of specific rules to the contrary, the rules of parliamentary procedure as described in Robert's Rules of Order shall be followed by school and college faculties, committees, boards, and other deliberative bodies (<http://www.regents.umich.edu/bylaws/>).

Those deliberative bodies are entitled to pass policies that deviate from Robert's Rules, if such passage occurs through Robert's Rules. Essentially, unless you indicate otherwise, and use Robert's Rules *to* indicate otherwise, you follow Robert's Rules for anything not differentiated in the deliberative body's policies.

Therefore, all deliberative bodies (including departments, committees, etc.) at the University of Michigan are protected by due process—Robert's Rules apply even if bylaws, etc. have never been drawn up. The formality of parliamentary procedures applied might wax and wane depending on the situation. But, Robert's Rules itself often provides options for such informality.

At this moment, the UM-Flint Faculty Code does not identify a quorum for governing faculty meetings; therefore, UM-Flint faculty are obliged to follow the quorum set in Robert's Rules, which is a majority (over 50%). The Faculty Council Chair identified the quorum as currently being over 50% at the April 6th meeting. A chair must establish a quorum before the meeting is called to order—it is not the case that a meeting and measures can proceed, with however many people are there, so long as nobody in attendance asks if there is a quorum. The reason that this is not the case is that if no minimum had to be met before a meeting was called to order, then in theory a chair could, in a meeting with just one other person, call a meeting to order, and so long as neither person asked whether there was a quorum, all actions might proceed, and votes supported by both people might be deemed to have passed with 100% approval. With roughly 323 governing faculty members (summer 2017 count from executive leadership), the quorum is about 162. After a quorum is met, business may continue even if departures cause the attendees to drop, so long as nobody formally calls to count those present to verify if a quorum still exists.

Although the current UM-Flint quorum has not been followed in recent memory, perpetual disregard of the rules does not mean that it is not a very good time to start abiding by them, especially when mandated by the Regents. At the Apr. 6th meeting, Faculty Council

proposed reducing the existing quorum of over 50% to 20%, which could be the lowest quorum ever set in the history of UM-Flint for campus-wide business. Again, under the new proposal for Code change, instead of the quorum being over 50% or about 162 members, only about 65 meeting attendees would be needed.

It may be that the current quorum is more robust than the faculty feel is needed, but many questions exist as to why it needs to be changed now. Attendance was very poor on Apr. 6th, so it is unclear if a ballot will be delayed until robust discussion can occur. Per proper procedure, motions for proposed code change should be made at a meeting with a quorum, after which the faculty should debate and pass amendments; only the amendments that pass should be implemented into the proposal that goes to an electronic ballot. Will the ballot on the current code changes proceed when debate did not occur in a meeting with a quorum, and when legitimate amendments were not passed? Will revisions based on interpretation of faculty debate at such a poorly attended meeting simply appear in a ballot?

However, a quorum is not the same as a voting threshold, or the number of people needed to pass a measure. Because the existing provision in the Code allows 2/3 of attendees to pass any matter without an electronic ballot (except for Code changes), it would mean that currently ANY 43 members could make decisions of utmost importance for 323 members. Not all important decisions are matters of Code. Faculty Council itself is 12 people, so if it wished to pass something of its own agenda (by having all Faculty Council members in attendance and if all voted in support of its agenda) 31 people beyond Faculty Council is all that would be required. Other groups could take a comparable approach.

There are some questions that UM-Flint faculty might ask themselves in considering such a proposal, or any issue on the matter of quorum setting:

i) *Why now? What has attendance been of late?* Is attendance related to the proposal? If so, does changing the quorum circumvent solutions needed to other issues? The attendance at the Feb. 2nd meeting was just about 64 or 19% with most attendees being from a single unit. At that meeting, with about 100 people missing in order to conduct business, critical decisions were made by those in attendance that prevented the whole governing faculty from being able to vote on a comprehensive revision to the Code. At the meetings in March and April there were respectively only 27 or 8%

and 32 or 10% in attendance (including Faculty Council members). Minutes were passed without a quorum at both meetings. If the quorum is not being respected with such important matters before the faculty, might it not be advisable to address the lack of compliance with the existing quorum and procedures before agreeing to new changes? And, will a quorum of 65 be treated as cavalierly as the current one?

How has rapidly falling attendance impacted this proposal? What is the urgency behind passing measures through fewer voters? Rather than dropping the quorum, could Faculty Council work on reminding the faculty of the actual quorum size and try to promote engagement and attendance? What steps have been attempted to mentor faculty about the importance of governance and their duties therein? Is knowledge of the will of the majority desired? If so, why try to make decisions through a relatively small, non-representational group?

ii) *What does a vote of those meeting a quorum mean?* When a vote passes by adhering to the rules of the campus's faculty, the result is interpreted to represent its will. Therefore, determining the will of the faculty, and the structures and methods through which the campus's faculty want decisions to be made, should be as inclusive as possible, so that there is relative certainty about the actual will of the faculty. A quorum should be of a size that reasonably represents the will of the deliberative body. This has been stated another way from the consulting firm Core Strategies for Non-profits, Inc., <http://www.corestrategies4nonprofits.com/>: *'In my mind, a quorum is set to guarantee that a sufficient number of people vote on your issues. The more people involved in the process the greater chance that questions will be asked, the status quo will be challenged, and a diversity of opinions will be raised. When these three things happen it becomes more likely that your final decisions will be the best they can be.'* This is a somewhat arbitrary source, other than that the author explains the point so clearly.

iii) *What business is on the horizon that might be a factor in understanding the importance of a quorum and the timing of the proposal?* The Faculty Council Chair indicated at the March meeting that there are two major decisions to be made at upcoming meetings of the faculty (by May). One is about administrator reappointments and the other (based on a document shown by Faculty Council at the March meeting but that has not been distributed to faculty) may be a proposal from Faculty Council to change UM-Flint's

standing within U of M, and the governing faculty's relationship with its senior executive officers, among others. Should this business warrant the consent of more than 43 out of 323 people (or 13% of the faculty)?

iv) *Of those who would be able to pass major measures with a new quorum, in this case 43 individuals, who would they be and how would they be constituted—would they be representational?* UM-Flint does not use a governance structure of proportional representation, which normally includes predictable times for meetings, for which elected representatives can plan when they run for a position; nor does Faculty Council use set times—meetings occur unpredictably in both number and date. SHPS and SOM groups, for example, often meet on Fridays, when governing faculty meetings are often held, while some SOM faculty teach all day on Fridays. Without proportional representation and pre-determined set dates and times, no faculty member is guaranteed that his/her unit will be adequately represented at meetings, where it might soon take only 43 faculty to pass major decisions. SHPS, SON, and SOM are all just about 30 in number, so if any one unit had an advantage in when a meeting is held, and the meeting is otherwise as poorly attended as in February, March or April, just one or two units could make decisions for the campus. But, there's also the structural imbalance of CAS compared to the schools to consider. At about 177 (55% of) governing faculty members, CAS can dominate most votes. In theory, it can pass votes of simple majority on its own if most of its faculty show up and vote the same way. Because of its size, the lower the quorum, the easier it is for larger units to dictate campus policy. A high quorum, such as the current one, might better ensure that faculty members from more than one or two units are likely to be present.

What is the best quorum for UM-Flint? We need to ask this question because the impact of changing a quorum could bring about great change. Can we answer the quorum question without considering the nature of UM-Flint's governance structure? Reconsidering the quorum prompts other questions, like what factors ensure that all units have reasonable relative influence, representation, and input, and not representation based solely on the accidents of structural size and scheduling, neither of which should be deemed a license to dominate? A quorum is about respect for, a genuine desire to know, and a willingness to abide by the will of the majority. Do the quorum and structure require the faculty to be consulted? Do they allow governance committees to decide, according to their discretion,

which campus-wide policies the legislative body (governing faculty) will get to vote on (as a possible example, in spring 2017 an administrator search process was created and put forward to executive officers by governance leadership without a vote of the governing faculty)? Do they require that all constituents have representation and a voice? Do they attempt to build fairness and balance into its decision-making? Do they require transparent deliberations? Do they respect and create opportunity for debate and dissent? Do they ensure broad participation of members? Do they mitigate conflict of interest and fears of retaliation and intimidation? Do they encourage participation through inclusive and anonymous voting? Is the current system top down, or bottom up? Does it support higher education's role in preserving democracy? A quorum is indicative of a campus's respect for its faculty. Since we the faculty determine the governance structure, as well as the quorum it uses, a quorum is in a fundamental way indicative of our respect for each other.



**GOVERNANCE POLICY HIGHLIGHT
On Faculty Status**

From the U of M Senate Assembly: *General Principles for Faculty Participation in Institutional Governance*

The faculty has primary responsibility for such fundamental areas as curriculum, subject matter and methods of instruction, evaluation of student performance, research, faculty status, standards for admission of students, and those aspects of student life that relate to the educational process.

...
Considerations of faculty status and related matters are primarily a faculty responsibility; this area includes matters relating to academic titles, appointments, reappointments, decisions not to reappoint, promotions, the recommending of tenure and dismissal. Policies and procedures shall be developed for the implementation of these faculty responsibilities.
See: [Principles...](#)



UPCOMING AAUP NEWS AND EVENTS

AAUP National Conference 2018

This year the AAUP will host its national conference in June in Washington DC on the theme of freedom of speech. Every year conference attendees participate in

sessions to learn about academic freedom, faculty governance, issues in higher education, and to lobby for these concerns in Washington DC. This year the theme is freedom of speech. After the conference the following events will be offered to UM-Flint faculty:

- i) Save the date: AAUP faculty meeting and social: May 17th, 7pm
- ii) Webinar on freedom of speech in higher education (end of June 2018, to be preceded by an anonymous survey to collect thoughts, questions, and suggestions about freedom of speech as it pertains to UM-Flint faculty).
- iii) Fall workshop (TBA) on freedom of speech in higher education.



**IMPORTANT GOVERNANCE DOCUMENTS FOR
FACULTY AT UM-FLINT
Knowledge is power.**

- 1) Standard Practice Guide: <https://www.umflint.edu/hr/policies-procedures>
 - Applicable to all U of M.
- 2) Board of Regents Bylaws: <http://www.regents.umich.edu/bylaws/>
 - Applicable to all U of M.
- 3) University of Michigan Faculty Handbook: <http://provost.umich.edu/faculty/handbook/>
 - Applicable to all U of M.
- 4) University of Michigan Statement on Academic Freedom: https://facultysenate.umich.edu/wp-content/uploads/sites/22/2015/03/01-25-10_Academic-Freedom.pdf
 - Applicable to all U of M.
- 5) University of Michigan “Principles of Faculty Involvement in Institutional and Unit Governance”: <http://facultysenate.umich.edu/wp-content/uploads/sites/22/2015/02/Faculty-Senate-Principles-and-Regent-bylaws-updated-.pdf>
 - Applicable to all U of M.
- 6) University of Michigan Senate Resolution on Open Governance: http://facultysenate.umich.edu/wp-content/uploads/sites/22/2015/03/01-23-12_BSC-Open-Governance.pdf
 - Applicable to all U of M.
- 7) University of Michigan-Flint Faculty Code: https://www.umflint.edu/sites/default/files/groups/Office_of_the_Provost_Vice_Chancellor_for_Academic_Affairs/documents/faculty_code_05-01-15.pdf
 - Applicable to UM-Flint.