

WAYNE STATE UNIVERSITY
ACADEMIC SENATE
PROCEEDINGS OF THE POLICY COMMITTEE

May 22, 2020

Present: L. Beale; P. Beavers; V. Dallas; r. hoogland; D. Kessel; C. Parrish; B. Roth; N. Simon; W. Volz; K. Whitfield; A. Wisniewski

Guest: President M. Roy Wilson

Shared Governance: This special meeting of the Policy Committee was held to discuss the issue of shared governance with President Wilson. The discussion centered on the jurisdiction of the Senate and the idea that Senate representatives to university committees are only those that are selected by the Senate, not merely a member of the Senate selected by the administration to serve.

Mr. Roth began the meeting, expressing his hope that Policy Committee and President Wilson could reach agreement about the role of the Academic Senate in consultation on matters that fundamentally affect the university. He stated that this is not a personal but an institutional issue. There is some urgency to resolve the issue because decisions have to be made quickly. If Senate members cannot participate now in the committees, the faculty and academic staff will not have the opportunity to be heard. It is essential, Mr. Roth said, that the Academic Senate be represented on all restart committees. At the May 6 Senate meeting, the President agreed to seat members of the Senate on the committees but has since asserted that Senate members selected by the administration “represent” the Senate on certain committees. The question is who has the authority to determine representation. The fundamental principle is that the Senate determines those who represent the Senate. The question is how the administration and the Senate can move forward in an effective way systematizing the participation of the Senate.

President Wilson acknowledged that in initially appointing the restart committees, he should have consulted with the Academic Senate. He stated that his practice has been to select from Policy Committee nominations, and he interpreted the Senate’s bylaws to require that process. If the Senate considers other procedures appropriate, there would need to be a committee to discuss the Senate’s role in selecting committee members. He added that he thinks the Senate’s view of its jurisdiction under the Board statute is too broad, stating that there is “confusion” about the meaning of “educational policy”: that could mean almost anything connected with the university or it could mean only academic issues or even only curricular issues. The Senate and the administration should clarify the issues and find a way to move forward. Otherwise there always will be a level of misunderstanding.

Mr. Roth quoted from the Statute governing the Academic Senate: “The President will be expected to secure the judgment of the Senate upon any proposed educational policy or any matter affecting faculty rights and responsibilities, except in those matters subject to collective bargaining.” He pointed out that the Policy Committee is talking about the essence of that Statute, even when it discusses facilities or budgets.

President Wilson noted that there have been disagreements in the past about what is within the purview of the Academic Senate. He considers himself faculty-oriented and does not want an antagonistic relationship with the Senate. He wants to resolve the disagreement.

Ms. Hoogland reinforced Mr. Roth's statement that the issue is not personal. The principle of faculty governance already is in place: it does not need to be disputed at this time when we are dealing with a serious crisis. It is essential that the faculty and academic staff support the restart plan. In the past there have been instances when decisions were made without adequate faculty consultation, and they did not work. Policies have a better chance of being successful if there is faculty support. It is clear that faculty who are appointed by administrators because of their expertise but are not selected by the Senate are not representatives of the Senate.

Ms. Simon quoted the President's statement at the May 6 Senate meeting, in response to President Beale's question if he would confirm that the Senate could appoint representatives to each of the restart committees: "There was no intent to snub the academic process so if you want to appoint people to the various committees, please do so. They would be welcome. Okay?" That statement made it clear that the President would accept those chosen by the Policy Committee.

President Wilson reiterated his view that the Academic Senate may only present slates of nominations from which the President selects. He asserted that there is no precedent otherwise, and chastised Ms. Simon for taking his statement at the Senate plenary session literally. He had assumed that the slate nomination process would be followed. Referring to Ms. Hoogland's comment, the President said that in constituting a committee one has to make sure that the committee is able to work well. There are situations where, for whatever reason, the makeup of the committee may not be optimal if "certain people" are on the committee. It is a judgment call. In this situation, he selected all except one of the people recommended.

President Wilson also suggested that they consider how other academic senates function. If our procedure is wrong, he would concede. He noted that Michigan State University and Oakland University have restart committees without any faculty members. He pointed out that various of Wayne State's committees had faculty on them.

Ms. Beale relayed her experiences at two other universities at which the administration requested Senate members on university-wide committees and accepted the choices provided because they respected the idea of the Senate selecting its representatives. At the University of Illinois, the Senate's committee on committees provided members for university-wide committees. At Binghamton, the President asked both the faculty senate and the professional employee council for representatives and accepted those selected by the two organizations, even for search committees, without any effort to "cherry-pick" who would be allowed to serve on those committees. Here the Academic Senate selects people who would be appropriate representatives and affirms that they are willing to serve before providing names to the administration. The Senate usually provides two or three nominees, but in some cases the Senate has been asked to provide specific representatives and has done so. There is thus precedent, Ms. Beale said, for the Senate to select its own representatives, whether through a slate nomination process or an appointment process. Both have occurred. There is also precedent for the Senate President to serve on a committee by virtue of holding the office of Senate President because of the importance of the committee. The Foundation Board is an example where the Senate President serves by virtue of office. Before President Wilson assumed the presidency, the committee that was equivalent to the current finance restart committee consisted of the university president, the chief financial officer, the Provost, and the Senate President. That is why the Senate President is on the Budget Planning Council. There are a number of precedents that contradict the President's statement that there is no precedent.

President Wilson agreed that there were a variety of precedents. He expanded by stating that he has formed committees on which he himself selected faculty, without any input from the Academic Senate: the indirect cost recovery review committee and the task force on merging the VPHA with the SOM Dean. He claimed that no one had complained that he should not have formed those committees without Senate representation. He is willing to follow appropriate policy, but he reads the Senate bylaws as only providing for nominations of slates of candidates from which the President selects.

Having served at Wayne State under seven presidents, Mr. Parrish noted that there has always been a struggle about appropriate representation of the faculty and academic staff and administrative claims of prerogatives. The question is a political one whether the administration will respect the rights of the faculty and academic staff to choose their own representatives. The Academic Senate, he said, has the right and it has the political role of representing the faculty and academic staff. On the administration's list of the restart committee members, there were asterisks—said to indicate the faculty representatives on the committees—next to names of various administrators, including the dean of Liberal Arts and Sciences, associate deans, and chairs. Those administrators are **not** faculty representatives. Faculty representatives are chosen by the representatives of the faculty.

President Wilson admitted that he should have paid more attention to the original makeup of the restart subcommittees rather than merely allowing the chairs to invite faculty and student representation. He returned again to the question of what the current policy is, suggesting that the Senate's bylaws (as interpreted by the university's General Counsel) require that a slate of nominees always be provided. Provost Whitfield agreed that the process needed clarification.

Ms. Beale said that the way to move forward is for the administration to acknowledge that a person selected by an administrator is not a Senate representative and that the word "nomination" has always meant to the Senate that the Senate selects people who have agreed to serve as our representatives. When the administration selects a faculty member for a committee, even if that person is a member of the Senate, that person serves in their individual capacity and not as a Senate representative. The administration should not try to "cherry pick" its favored faculty for committees. That has always been the understanding of the Senate.

Returning to President Wilson's example of the administrative task force to consider the potential merger of the position of dean of the School of Medicine with the position of Vice President for Health Affairs, Ms. Beale noted that the Senate first learned of the existence of the task force when she met with the President **after** the merger was announced in 2019. President Wilson showed her the task force membership and identified David Rosenberg, Chair of the Department of Psychiatry, as the faculty member he had asked to serve. The other members were all administrators. The Senate could not object to his not including Senate representatives when they did not even know the committee existed. Similarly, the President did not share any information about the Restart Committees with the Senate when they were formed: the Policy Committee did not see the charge to the chairs of the restart subcommittees or the membership lists until they pressed to see them. Ms. Beale noted that the President's charge merely indicated that the chairs should include faculty as they considered appropriate. The President said that he had told the chairs to be sure to include faculty, who could be on the Senate or not, but who could give them the kind of advice needed to make the committees function optimally.

Ms. Beale noted again that in the past when the administration chose one person for a committee with equivalent importance of the finance committee, the Senate President was chosen by virtue of being the Senate President.

Mr. Parrish pointed out that the selection of faculty representatives is a matter of principle and not an interpretation of a written rule. It is a fundamental democratic principle, Ms. Beale said, because the Academic Senate is a democratically elected body of the faculty and academic staff and its representatives are elected under democratic principles. That is what the Senate bylaws embody—the idea that the Senate should name its own representatives. The President’s interpretation undermines the principle on which the Academic Senate fulfills its mission.

There was disagreement about members serving on the finance subcommittee. Policy members noted that the administration appointed a member of the Senate who is also a member of the Policy Committee and claimed that person could represent the Senate; but he is serving in his own capacity, not as a representative of the Senate. The administration also agreed to appoint the chair of the Academic Senate Budget Committee, but that person was designated by the Union as the AAUP-AFT Union representative on Finance. The President claimed that the Senate appointed the chair of the budget committee because his name was highlighted on a list of all the members of the subcommittees that Policy Committee sent to President Wilson. Ms. Beale pointed out that the Policy Committee was not appointing people to serve as representatives of the AAUP-AFT or any other body. The Policy Committee included the list of all members of the subcommittees, highlighting the new members (both Senate representatives and those that the Union President had informed Policy had been designated as Union representatives), in order to show the Senate members who all of the expected members were. *[Note: The Policy Committee had understood that the union list had been forwarded separately by the AAUP-AFT to President Wilson. It was not until this meeting that it was learned that it had not been.]*

President Wilson noted that he accepted all of the Union and Senate representatives other than having the Senate President serve on the finance subcommittee and he is unwilling to move on that issue. He again noted his willingness to have a committee clarify the meaning of the Senate bylaws in an effort to move the discussion forward. Ms. Beale objected to that idea, noting that the Senate interprets its own bylaws and that a committee would not be an appropriate mechanism for resolving the question of having Senate representatives on all university-wide committees that are selected by the Senate rather than picked without consultation by the administration, since that is a fundamental principle of shared governance. The path forward is for the President to show that he honors the principle of shared governance, understands that the Senate chooses its representatives, and that he honors what he said at the Senate meeting.

Approved on June 19, 2020, as corrected.