

To: EMU-AAUP

From: Faculty Senate Executive Board

### Grievance Regarding Violation of Input on Areas of Joint Responsibility

Please accept this memo as confirmation of the Faculty Senate Executive Board's unanimous vote on June 3, 2020 in favor of filing a grievance regarding the lack of input on a number of university decisions related to the budget and facilities that have occurred over the last several months.

Over the last several years, we have reached out many times to President Smith, in meetings, formal communications, and through Faculty Senate resolutions, to request that he acknowledges and follows the [Faculty Senate Bylaws](#)--which reference the [Joint Statement on the Government of Colleges and Universities](#)--in regard to input on areas of joint responsibility.

These include:

1. Advise the Administration and Regents in the framing and execution of long range plans
2. Advise the Administration and Regents on decisions regarding existing or prospective physical resources
3. Advise the Administration on university budget and resource issues

These three areas are involved in the following decisions that were made over the past several months without any input from the Faculty Senate or other input bodies to which the Senate elects members.

- Approval of agreement by the Board of Regents to outsource campus billboards to an outside company, which will decide on the content of advertising directed to our students. ([https://www.emich.edu/regents/board-documents/2020/2-13-2020-documents/sec\\_16\\_redacted\\_rec.pdf?v=2020-02-24T16:12:44Z](https://www.emich.edu/regents/board-documents/2020/2-13-2020-documents/sec_16_redacted_rec.pdf?v=2020-02-24T16:12:44Z)) We believe input on this decision should have been provided regarding the budget impacts and also on the impact on the campus learning environment by allowing outside parties to push advertising that we do not manage to our students. (Areas of joint responsibility 1, 2 & 3 above)
- Allocation of more than half a million dollars to erect a fence and install a video security system at the Lowell Street property, a brownfield site that EMU has acquired for unknown purposes. ([https://www.emich.edu/regents/board-documents/2020/4-23-2020-documents/sec\\_3\\_redacted.pdf?v=2020-04-23T18:34:51Z](https://www.emich.edu/regents/board-documents/2020/4-23-2020-documents/sec_3_redacted.pdf?v=2020-04-23T18:34:51Z)) We believe input on this decision should have been requested regarding the budget impacts and also the purpose/need for this

property. (Areas 1, 2 & 3)

- Board of Regents acceptance of a purchase agreement on the Owen Building at a much lower price (\$22/sq ft) than had been planned ([https://www.emich.edu/regents/board-documents/2020/4-23-2020-documents/sec\\_3\\_re\\_dacted.pdf?v=2020-04-23T18:34:51Z](https://www.emich.edu/regents/board-documents/2020/4-23-2020-documents/sec_3_re_dacted.pdf?v=2020-04-23T18:34:51Z)) Although the sale of the Owen building was discussed within the College of Business, the impact of accepting a significantly reduced amount for the property, estimated at \$10 million less than initially discussed, was not reviewed with the University Budget Council. It is unclear whether the disposition of this property was discussed with the Educational Environment and Facilities Committee. (Areas 2 & 3)
- A number of significant decisions have been made and announced regarding the budget due to the COVID-19 crisis without faculty input. They include:
  - 7% pay cuts to executive salaries, 5% cut to Deans
  - Travel freeze
  - Capital spending is frozen with the exception of selected projects
  - APs and bargained-for staff moved to Work Share/reduced appointments and elimination of 6 positions
  - Budget cuts and layoffs in the EMU Foundation

We are making this request after significant attempts to communicate with President Smith and the Board of Regents about the rights to input on areas of joint responsibility. The following efforts have been made:

- A letter to President Smith on 4/12/18 shared a [Statement of Concern Regarding Shared Governance and Decision Making](#), approved by the Faculty Senate on 4/11/18, which laid out a number of significant decisions that had been made without appropriate input. [The request made at that time was to add faculty representation to the President's Executive Council.](#) That request was [denied in a response by President Smith.](#)
- The Faculty Senate, in collaboration with the EMU-AAUP, devoted two Faculty Affairs meetings of the Board of Regents to provide background information on the principles of shared governance, [one on April 20, 2018](#), and a second on [participatory decision making at EMU on October 25, 2018](#). On 12/9/19, at a lunch meeting between faculty leaders and the Faculty Affairs Committee of the Board of Regents, we also shared and discussed both a [highlighted copy of the Senate Bylaws](#) and the [Joint Statement on the Government of Colleges and Universities](#). President Smith was in attendance at all three of these meetings.
- [An April 4, 2019 letter to President Smith responding to the campus housing report of March 2019](#) also pointed out the areas of joint responsibility in decision making in regard to the issue of campus housing.

- An [October 17, 2019 letter to President Smith and Regent Webb regarding spending on the Student Athlete Performance Center](#) at a time when a large number of staff/faculty positions were lost to a retirement incentive without a plan to fill the gaps. These decisions were also made with a lack of faculty input.
- Faculty leaders from the Senate and EMU-AAUP have met regularly with President Smith and have notified him repeatedly of the need for input on areas of joint responsibility.

We have made a good faith effort to help both President Smith and the Board of Regents to understand the responsibility of ensuring that input occurs in areas of joint responsibility. [The Faculty Senate Bylaws](#) were agreed upon by the Senate, EMU-AAUP, and the Provost as the document that governs faculty input. After many efforts to clarify this to President Smith and the Board of Regents, we have decided the only way to move forward is to pursue our contractual rights to shared governance through the grievance process.