

2-3-2016

Resolution 20160203

Faculty Senate

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Whereas the Eastern Michigan University Board of Regents, at the behest of the Governor's office, entered into an Interlocal Agreement with the School District for the City of Detroit creating the Educational Achievement Authority (EAA) in June of 2011, and

Whereas the Eastern Michigan University Board of Regents passed a resolution on December 5, 2014 explicating their intent to provide notice of withdrawal from the EAA agreement in December 2015 unless substantial progress was made in four areas: 1) a stronger partnership between Eastern Michigan University and the Educational Achievement Authority; 2) demonstrated student achievement and progress in EAA schools; 3) fiscal accountability; and 4) complete transparency of all activity, including prompt and appropriate responses to requests made under the Freedom of Information Act, and

Whereas, the Faculty Senate provided a detailed report to the Eastern Michigan University Board of Regents a week before the Board's December 8, 2015 meeting documenting the failure of the EAA to make any progress in the four areas outlined by the Board's December 2014 resolution, and recommending immediate withdrawal from the agreement, and

Whereas, the Eastern Michigan University Board of Regents at its December 8, 2015 meeting, despite the Faculty Senate report and impassioned calls for immediate withdrawal from Eastern Michigan University's faculty, students, and alumni as well as community members from Washtenaw County and the City of Detroit, failed to take any action on the EAA agreement, and

Whereas, the decisions and actions of Board members on December 8, 2015 violated the following provisions of the Board of Regents' Code of Ethics signed annually by each member:

Preamble

"We will consider the interests of all of its constituents in decision making, including students, administration, faculty, staff and other stakeholders." By repeatedly ignoring the voices of students, staff, faculty, a sitting University President, alumni, and community members, the Board has failed in its responsibility to consider the interests of all of its constituents in decision-making.

Article 1, Paragraph 1 (Public Trust)

"Regents are expected to carry out their governance responsibilities in an honest, ethical and diligent manner." This provision was violated when the Board did not follow through with its actions outlined in the December 2014 memorandum stating it would send notice of a withdrawal unless substantial progress was made by the EAA in four areas. When the Board was notified of the EAA's failure in all four areas it changed the EAA discussion from an action to a non-action item on its agenda and would not discuss the agreement with the public on December 8, 2015.

Article 1, Paragraph 2 (Welfare of Eastern Michigan University)

“In carrying out their duties, however, Regents must keep the welfare of the entire University paramount over any parochial interests. Regents should refrain from actions and involvements that might prove embarrassing to the institution.” The Interlocal Agreement that established the EAA was formed at the behest of the Governor’s office, and the Board of Regents did not consult with EMU faculty experts during or after the process. The agreement has generated a great deal of negative and embarrassing articles in the popular press and in the scholarly literature; the agreement also has had a negative impact on EMU students. The Board’s adherence to the agreement in the face of opposition from all sides within and outside of the University demonstrates that the Board has failed in its responsibility to keep the welfare of the entire University paramount over any parochial interests.

Article 1, Paragraph 3 (Duty of Care).

“Consistent with their responsibilities as members of the Governing Board, Regents will discharge their duties, including any duties as a member of a committee, in good faith, with the care an ordinarily prudent person in a like position would exercise under similar circumstances, in a manner the Regent reasonably believes is in the best interest of the University, and with the level of decorum appropriate to the office of Regent.” An ordinarily prudent person, in the face of multiple voices detailing the negative impact of the Interlocal Agreement—including a sitting University President—would NOT have made the decision that the Board did at its December 8, 2015 meeting. The Board has failed to follow the care an ordinarily prudent person would exercise under similar circumstances and thus failed to serve the best interests of the University.

Article 1, Paragraph 5 (Due Diligence).

“Each Regent shall undertake with due diligence a critical analysis of the risks and benefits of any matter coming before the Board for action. Regents shall promote a culture of constructive debate about major information necessary to carry out the Regents’ duty of care to act in the best interest of the University.” As noted above, the Board entered into the agreement without consulting faculty experts on the subject. Subsequently, the Board, on December 8, 2015, failed to consider the analysis presented by the Faculty Senate and the perspectives of many in attendance when it decided to not take action on the EAA agreement; the Board’s lack of response on the issue was antithetical to promoting a culture of constructive debate. The Board of Regents has thus failed in its obligation to undertake with due diligence a critical analysis of the risks and benefits of the Interlocal Agreement.

Now, therefore, be it

Resolved that the Faculty Senate, given the Board’s gross violation of its own code of ethics, and failure to be a faithful steward of our University, has no choice but to vote no confidence in the Eastern Michigan University Board of Regents because of its failure to be a faithful steward of our University.