

Final Report:

Senate Ad Hoc Committee on Faculty & Staff Representation on the Board of Trustees

Submitted to the Ball State University Senate

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Committee members:

Christopher Airriess; Bryan Byers; Jim Flowers; Bruce Frankel; Ronald Kovac; and Diana Saiki

Faculty Council Ad Hoc Committee Creation

On March 22nd, 2018, the Faculty Council approved a resolution to create an ad hoc committee (the Committee) to address the issue of the recommendation of a faculty member to serve as a full voting member of the Ball State University Board of Trustees. At the end of that meeting, Council Members Christopher Airriess and Bruce Frankel approached Jim Flowers to register their interest in serving. In the months that followed, Ron Kovac, Diana Saiki, and Bryan Byers each agreed to serve on the Committee.

Survey of Faculty

This Committee reviewed literature on the inclusion of faculty on university governing boards and met with President Mearns on September 25th, 2018; President Mearns recently experienced the governance at Northern Kentucky University where an elected faculty member served as a voting member on the board of trustees. In October 2018, Ad Hoc Committee surveyed BSU faculty. There was a higher-than-expected response rate of 47.5%. Ninety-six percent of (n=495) respondents supported “the addition to the Ball State University Board of Trustees of a full-time BSU faculty member as a voting trustee.”

Report to Faculty Council and 2018-2019 Resolutions

The results of the survey, which included respondents’ comments on an open-ended item regarding this issue, were provided to the Faculty Council. The Faculty Council passed a resolution of support on January 24th, 2019, and the issue moved to the University Senate, which passed a “resolution amending membership on the Board of Trustees”; University Senate Action 1819-04 was submitted to the Provost on March 27th, 2019.

Letter from Provost Rivera-Mills

A letter to the University Senate from Provost Rivera-Mills on April 10th, 2019, indicated that rather than being approved or rejected, the Provost was “returning this resolution to the Senate for further consideration and revision...” Four points were outlined. The first addressed an issue of whether there should also be an additional trustee chosen from BSU staff or professional personnel. The second point was that it might be more desirable if total number of trustees were an odd rather than an even

number. The third point was to “urge the Senate to seek similar resolutions from the comparable governance bodies at the other Indiana public universities.” The fourth point in this letter was to recommend direct contact the state governor’s office and leaders in the general assembly.

Senate Ad Hoc Committee Creation

Keeping the same Committee members, this Committee was re-established as an Ad Hoc Committee of the University Senate on October 25th, 2019. It was charged to do the following:

“(1) Evaluate including a BoT full-time staff or professional administrator position, in addition to the full-time faculty position, and augmenting the resolution in that manner.

“(2) Evaluate building a coalition of support from other higher education institutions in Indiana. It is believed that such support, whether through initiating similar resolutions in these institutions or by documented support letters, would facilitate persuading the General Assembly to amend the governing statute for Ball State University.

“(3) Draft a new resolution after addressing the aforementioned items.

“(4) Provide periodic reports to University Senate in person or via a written correspondence.”

Staff Survey

The Ad Hoc Committee collaborated with the President of Staff Council and the Chairperson of University Council in conducting a survey of staff personnel and professional personnel. There were 657 responses from 1,577 people solicited, for a response rate of 41.7% between January 16th and January 30th, 2020. Ninety-five percent of (n=657) respondents answered “yes” to the question, “Do you support the addition to the Ball State University Board of Trustees of a fulltime, non-faculty BSU employee as a voting trustee?”

Coalition-Building

As charged, the Ad Hoc Committee considered the suggestion to attempt to build a state-wide coalition among higher education institutions on this effort. However, there were several factors that led the Committee to believe this was not appropriate.

- First, while some other states may have a single statute within state law that addresses the makeup of governing boards of all higher education institutions in that state, Indiana does not. The Indiana Code has separate sections establishing the governing boards of its institutions, and there are institution-specific stipulations, such as those concerning a trustee’s residence, whether alumni elect the alumni members of the Board, and whether there must be a trustee from a certain sector, such as agriculture. The institutions do not all have the same number of trustees. If an attempt were made to secure agreement from such a coalition, it could well meet with opposition because it would be suggesting that changes to any institution’s governing structure would only be acceptable if all institutions changed.
- Secondly, achieving agreement from the BSU Senate was a two-year process, and stopping the process so that similar courses of action could take place at each of the other institutions would be an unacceptable stall.

- Thirdly, it was believed that Ball State would be sufficiently open to being a leader in this change, as this would help position the university as one grounded in participatory leadership and true community-building.
- Finally, without having garnered support yet from either the University's President or Board of Trustees, the case that could be made to others in the coalition would have been weak. Furthermore, it could make Ball State University vulnerable to embarrassment if a Senate ad hoc committee were to attempt to lead all public universities in the state toward a joint initiative that the Ball State University Board of Trustees was not willing to approve. Therefore, after careful consideration, the Committee decided against halting progress on the issue at Ball State until after a state-wide coalition was built.

State Legislature

The Ad Hoc Committee informed Sue Errington, the member of the Indiana House of Representatives representing District 34, about the Committee's work. However, the Committee believed it would be inappropriate to ask the legislators to draft and vote on the required legislation or to contact the Governor's office before learning whether the BSU Board of Trustees supported the initiative, as they are the ones charged with the future of the University. Therefore, the Committee decided to report its findings to the University Senate and then seek an audience with the Board of Trustees where these findings could be presented and explained, with the hope of finding out whether the Board wishes to pursue the initiative.

Preliminary Report to the Senate

The Committee provided a 72-page detailed preliminary report to the University Senate on the results of the two surveys, including the responses to open-ended items on each survey and the overwhelming support for recommending the addition of both a faculty trustee and a trustee chosen from among staff or professional personnel. This report also documented previous Faculty Council and University Senate resolutions on the matter, the April 10th, 2019, letter from Provost Rivera-Mills. It provided a comparison of how different sections of the Indiana Code differ regarding the establishment and requirement for the boards of trustees at each public university in the state. Recommendations then identified specific wording that would be needed in both the Indiana Code and in the Board of Trustees Bylaws if the recommended change were to be enacted. Related reference materials were appended.

On March 27th, 2020, during the early stages of the COVID-19 pandemic, the Senate approved a resolution on this matter stating the following:

“... the Senate supports amending Indiana Code (*IC 21-19-3-2*) and the Ball State University Board of Trustees Bylaws:

1. To add one Ball State University Board of Trustees voting member who is a full-time BSU faculty member to serve for a standard four-year term;
2. To add one Ball State University Board of Trustees voting member who is a full-time BSU professional personnel or staff personnel and not a member of a collective bargaining unit to serve on the Board as a voting member for a standard four-year term;

3. The Senate Ad Hoc Committee shall report back to the Senate on the specifics of additional matters, and pending a second resolution incorporating the same, the Senate shall be presented with another opportunity to resolve this matter.”

By recommending both of these trustee positions, the number of Trustees on the Board of Trustees was recommended to increase from nine to eleven, another odd number, as the Provost had recommended.

Meeting with Renae Conley, Chair of the Board of Trustees

The Ad Hoc Committee attempted to meet with the Board of Trustees to present the findings from these surveys and the results of the Committee’s research, deliberation, and recommendations. An Email was sent to the University President and Provost and copied to the Chair of the Senate on April 7th, 2020 explaining the Committee’s intent to send its preliminary report and a copy of the Senate resolution to the Board of Trustees two days later. Without receiving any objections, on April 9th, those materials were sent to the Board of Trustees, copied to the administrators who had been involved. An Email was then sent to the Committee from the Chair of the Senate suggested that, “sending your email dated April 9th of 2020 to the Board of Trustees is not within the authorities that has been assigned to the ad-hoc Committee by the Senate.” A reply from the Committee to the Senate Chair then noted that “The resolution that the Senate passed included the following: ‘WHEREAS the Senate Ad Hoc Committee on Faculty and Staff Representation on the Board of Trustees has submitted to the Senate its preliminary report awaiting a meeting with the Board of Trustees on such matters as preferred method of appointment and collaboration with other Indiana state universities on this matter, and to report again to the Senate for a final resolution with such details.’”

Ms. Renae Conley, Chair of the BSU Board of Trustees, agreed to have a virtual meeting with the Committee, and this took place on October 22nd, 2020. President Mearns, Provost Rivera-Mills, and Senate Chair Mahfouz were also present during this meeting. At the meeting, the Committee summarized its work and findings, responded to questions, and suggested meeting with the Board of Trustees. Ms. Conley noted that she would discuss the issue with other members of the Board, then discuss this with the University President, who would then inform the Ad Hoc Committee. The key question the Committee had was whether the BSU Board of Trustees wants to move forward with this initiative.

Memo from President Mearns to the Senate

Having yet to receive word back regarding Ms. Conley’s discussion of this initiative with other board members, the Committee contacted President Mearns on February 8th, 2021, for an update. President Mearns then immediately informed the Committee that Ms. Conley had spoken with all trustees about the issue, and at her request, he had sent a memo to the Senate Chair. On February 9th, 2021, the Committee requested a copy of that memo from the Senate Chair. The request was denied, but the Committee was informed that they could see the memo during the next meeting of the Senate Agenda Committee on February 15th.

The memo from President Mearns to the University Senate Chair, dated January 14th, 2021, indicated that after he and Ms. Conley had discussed the issues with the trustees, “none of the trustees presently believes that it would be in the best interests of Ball State University to seek to persuade the General

Assembly and Governor Holcomb to amend the statute that governs the composition of the Board of Trustees of our University.”

President Mearns noted in his memo that there were numerous reasons the trustees had given for their positions, including three that he shared in this memo.

- First, as only 13.3% of public institutions have a faculty trustee, this is not yet a “best practice.”
- Second, while no other Indiana institution has a faculty trustee or staff trustee, if the members of the Ad Hoc Committee really did want Ball State to be a leader in this initiative, then that Committee should have worked to build a state-wide coalition, as had been part of the Committee’s charge.
- Third, Trustees are aware of many ways that faculty and staff currently participate in university governance.

The memo closed by suggesting that the President and Provost meet with the Chair of the Senate, and that they welcome the Senate Chair’s “thoughts on how to enhance the informal means of communication between the leadership of the University Senate and the Board of Trustees. The Provost and I would like to meet with you to discuss the trustees’ interest and to determine what specific steps we could recommend to the Board of Trustees to strengthen our collective commitment to our mission and to the students.”

During the Senate Agenda Committee meeting of February 15th, 2021, the Senate Chair asked the Ad Hoc Committee to work with the Senate to enhance informal communications. The Ad Hoc Committee requested a copy of the memo from the President and identified they would work to prepare their report back to the Senate in Spring 2021.

Conclusion

Survey results indicated that 96% of Ball State University full-time faculty surveyed recommended the creation of a faculty trustee position and 95% of staff and professional personnel surveyed recommended the creation of another trustee position chosen from full-time staff personnel or professional personnel. Comments from respondents were eye-opening, and the Committee is grateful for the participation of respondents and the work of all those involved in these surveys.

While there was extremely strong support from faculty and staff, the Ball State University Board of Trustees has decided not to pursue changes to the structure of the Board of Trustees at this time. The Ad-Hoc Committee recommends that the Senate move forward with the resolution of March 17th, 2020 to adjust membership on the Board of Trustees.

This Ad Hoc Committee suggests that the Board of Trustees’ decision to not include a faculty and staff member on the Board runs counter to Inclusiveness, one of the seven proclaimed enduring values in the University’s 2019-2024 Strategic Plan.

This report to the Senate concludes the work of the University Senate Ad Hoc Committee on Board of Trustees Membership.