

## Michigan's Public Universities Already Operate Openly September 1, 2015

by Daniel Hurley

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Concerns about how Michigan's universities operate, as expressed by Michigan state Rep. Martin Howrylak (R-Troy) are much appreciated. However, it seems his proposal to mandate that these institutions be held to some superior level of "openness" in governing board meetings is a solution in search of a problem.

Michigan's public universities are perhaps the healthiest of our state's public institutions. They are recognized as among the best in the world when measured against peers. They attract students from all over the nation—and from across the globe. Their enrollment is near an all-time high. That's impressive, given that every student attending a postsecondary institution does so voluntarily, and that Michigan public universities operate in one of the most competitive environments imaginable, with nearly 100 universities and colleges in the state and thousands across the nation.

Rep. Howrylak wrote in his Bridge commentary that he wants a constitutional amendment that would "require the governing boards of Michigan's public universities to open their meetings to the public."

Governing board meetings, are, in fact, already open to the public. Far from hiding "under a cloak of secrecy," as Rep. Howrylak suggests, public universities routinely operate in the public eye—from the agendas, detailed reports and other materials that are provided ahead of board meetings and available for public scrutiny, to the public meetings themselves.

Indeed, Rep. Howrylak acknowledges attending such open meetings as a student—meetings which are regularly covered by reporters, and provide opportunity for public comments.

Michigan's public universities routinely respond to Freedom of Information Act requests, providing tens of thousands of pages of documents to reporters and the public each year. A visit to the web sites of these institutions allows detailed examination of budgets, policy documents, minutes of a variety of meetings and other public records. And as Rep. Howrylak is aware, the public universities also provide numerous legislatively-mandated reports annually to the state.

Today, board members and other university leaders are routinely queried by the public and press via email and various social media tools, which serve as additional communication channels between campus and community constituents.

Rep. Howrylak seems to be concerned that there are times when board members may confer among themselves or others as they seek to understand various issues and the positions of other board members. It is as if he wants to prevent board members from ever discussing university matters one-on-one, or even in groups, but instead should have every conversation conducted as part of a formal open meeting.

“Public officials cannot make decisions in vacuums,” Rep. Howrylak says. That’s very true. But does being forced by law to hold every discussion with a fellow board member, constituent or expert in a public meeting, where blunt and forceful opinions are often withheld, contribute to or solve this problem? I would argue that university board members are better served in their decision making capabilities by being able to gather information from a variety of sources, at any time, rather than place an artificial restraint on their consultative deliberations and wait for a public hearing.

Certainly, all board decisions should be made in a public hearing—and they are. That is why the governing board meetings held by Michigan’s public universities are open, with votes on every policy and major personnel appointment conducted in public session, and which include public comment sessions.

Forcing every discussion by a board member about university policy to be held in a public meeting is simply impractical, and certainly doesn’t follow the example of the publicly-elected Michigan Legislature, where leadership meetings and even meetings among party caucuses—including caucuses where a majority of members are involved—are private matters. Indeed, disclosure of caucus discussions is punishable by expulsion from the caucus. Meetings of gubernatorial cabinets, where very weighty matters are discussed, are private sessions until the governor is prepared to announce an appropriate decision.

“Public policy is best made in the sunshine, for, if a policy decision is made without the support of the public to which it is applied, it will surely have a short and miserable life,” Rep. Howrylak writes.

He is correct.

The fact that Michigan’s public universities enjoy such broad public support and are extraordinarily successful in their missions is further evidence that current policies requiring governing boards to make decisions in public meetings are working well. As such, we should leave the state’s Constitution alone.