



Constitutional Autonomy in Michigan and the State's Public Universities

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Introduction

- ▶ Chief Policy Officer, MASU, 2015-present
- ▶ Doctoral candidate, Dept. of Educational Administration, MSU
 - ▶ Dissertation topic: *Constitutional Autonomy in Michigan and Higher Education Policymaking by Governors*
 - ▶ Surveyed all but one prior Governor, all former Lt. Govs., and many State Budget Directors serving 1983-2019.
 - ▶ Comprehensive history of the evolution of this topic going back to its inception in 1850.
- ▶ Disclaimer: This is a primer on historical context, not legal advice or precursor to any specific policy proposals
- ▶ Thank you: MASU is proud of this ecosystem, and we believe this is the first invitation to talk about autonomy in many years.

The Structure of Michigan Higher Education

- ▶ No centralized state governing or coordinating board for higher education.
- ▶ Campuses have individual governing boards with full authority.
 - ▶ Exception is the Board of Regents of the University of Michigan overseeing 3 campuses (Ann Arbor, Dearborn, Flint)
 - ▶ 10 gubernatorially appointed boards, 3 statewide elected boards (MSU, UM, WSU)
- ▶ The State Board of Education is charged with “planning and coordinating” for higher education in the Constitution of 1963, but that entity is advisory only since *Regents v. State of Michigan* (1975) and does not engage.
- ▶ Community colleges have locally elected governing boards. The state constitution provides for a state board for “supervision and planning” for community colleges but this has been defunct for decades.
- ▶ Several independent non-profit colleges are chartered in state law.

The Structure of Michigan Higher Education

- ▶ Universities have voluntary coordination through MASU.
- ▶ Many states had such voluntary coordinating boards until the postwar era.
- ▶ Examples of MASU coordination:
 - ▶ Academic program review and approval
 - ▶ Convening committees and sharing best practices
 - ▶ Policy development and advocacy
 - ▶ Sector-wide research and data analysis
 - ▶ Primary conduit between campuses and the state during early pandemic
 - ▶ Partnerships with other stakeholders: Legislative offices, Executive Office, SBO, MCCA, MICU, MILEAP, MCAN, MCACS

What is Constitutional Autonomy? And Why Does Michigan Have it?

- ▶ The Michigan Legislature itself identified its mismanagement of the early University of Michigan as a cause for the university's struggles.
- ▶ A legislative committee recommended functional independence between the state and UM and provided for an elected Board of Regents.
 - ▶ Implemented in the Michigan Constitution of 1850
- ▶ The growth and success of UM following the granting of constitutional autonomy was proof of the wisdom of the new arrangement.
- ▶ Subsequent Michigan Constitutions have expanded autonomy to more universities, and all were granted autonomy and individual governing boards in the Constitution of 1963.

What Does it Mean to be Autonomous?

- ▶ “Each board shall have general supervision of its institution and the control and direction of all expenditures from the institution's funds.” –Art. VIII, Sec. 5
- ▶ Almost 175 years of jurisprudence has interpreted this as a wide-ranging grant of deference to universities.
- ▶ As a result, Michigan’s public universities are market-oriented and can respond more nimbly than universities in other states to changing fields and industry demands.
- ▶ More access to programs throughout the state to students who can’t or don’t want to move across the state, leading to stronger regions of the state.

Boundaries: Past Policies Struck Down

- ▶ What academic programs **are** offered
- ▶ What academic programs are **not** offered
- ▶ **Where** academic programs are offered
- ▶ Prior authorizations of institutional expenditures
- ▶ Automatic penalties in the appropriations act triggered by institutional policies such as domestic partner benefits
- ▶ State controls over institutional campus firearms policies
- ▶ State controls over processes such as presidential searches

Boundaries: Past Policies Upheld

- ▶ Matters of statewide public policy that happen to intersect with the public universities. Examples:
 - ▶ Public employee status
 - ▶ Workers' compensation
 - ▶ Prevailing wage
 - ▶ Labor organizing rights
- ▶ There are limits, though – medical students can organize, but can't bargain over the academic elements of a program, like bargaining to not do a rotation in pathology.

Responsibilities of Autonomous Public Universities

- ▶ Michigan public universities possess a great deal of power and responsibility. They work everyday to use this autonomy to help meet the state's needs.
 - ▶ Talent and workforce preparation
 - ▶ Research and development, including spinoff technologies and companies
 - ▶ Civic engagement and cultural placemaking
- ▶ The universities (and MASU) continue to serve as partners with the Legislature, Executive, and other stakeholders.
- ▶ Even if something can't be done by state mandate to apply to all universities, please reach out. The universities want to help and voluntarily coordination and partnerships can achieve much!
 - ▶ MI Transfer Pathways, Math Pathways, Michigan Transfer Agreement, Michigan Universities Coalition on Health, Michigan University Self-Insurance Corp., etc.

Questions?

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