

Demeaning Faculty Leadership and Faculty

Shared governance does not exist on campus because the office of the president does not recognize leadership outside of direct administrative control. Elected faculty representatives are only acknowledged if they can be used to endorse presidential decisions. Communication is literally a unidirectional live stream.

This institutional imbalance can only be corrected by collective faculty action that supports elected leaders and champions administrative officers working in the spirit of true shared governance.

The pattern of “legal” decisions regarding faculty leadership

The General Counsel’s sudden concern for what is perceived as [compliance with KRS 164.330](#) is neither a necessary institutional corrective nor an isolated incident that affects only a particular person. It is the latest example of the office of the president selectively defining what is considered “acceptable” faculty participation in university governance.

Were legal considerations the primary impetus here, the General Counsel would have already calibrated MSU practices with the policies of sister institutions and considered the invaluable work faculty leaders at MSU have done to guard our institution from legal liability (see the appendix on pg. 4).

Historical context for legal determinations of faculty governance

The institutional determination of the role of elected faculty leadership has not changed since the General Counsel outlined a legal opinion of the function of Faculty Senate in a [letter dated June 22, 2017](#).

In this letter, the General Counsel avers

The Faculty Senate is a recognized group organized for the purpose of faculty representation and participation in shared governance. However actions of the Faculty Senate are not taken on behalf of the University and are not actions by the University itself. Likewise the actions of individual members of the Faculty Senate are not actions performed in course of their regular duties on behalf of the University.

Unwilling to advise the Executive Council on the institution’s response to the litigation the previous president was claiming he would levy against members of the Faculty Senate for discussing the possibility of a legally allowable vote on the Senate floor, the General Counsel stated: “representation is not provided to employees acting outside of the scope of their duties.”

This opinion comports with current administrative praxis:

The President does not attend Senate meetings and has not fulfilled his obligation to meet with the Senate's Executive Council. He repeatedly questions the ability of Senate to adequately (and accurately) represent faculty will, and has made a concerted effort to work outside of established structures of shared governance, even though

- the membership of Senate comprises roughly 20% of our dwindling faculty population (so it is a truly *representative* body),
- the President demands strict adherence to his own "chain of command," comprised of hand-selected appointees,
- the institution cannot be accredited without a functioning representative body of faculty (see [SACSCOC standard 10.4](#)), and
- the institution's own evidence for compliance with standard 10.4 is Senate records—so the actions of the very body the higher administration seeks to work around was presented to external reviewers as proof of shared governance.

Faculty leadership alone cannot break this destructive pattern

Faculty leadership tried to break this destructive pattern in 2017 by welcoming new presidential leadership and committing to working collaboratively with the president's office.

Specific steps taken in Fall 2017:

- Members of the 2016-2017 Faculty Senate Executive Council presented the new President with a [white paper](#) that charted a productive path forward for a collective future.
- The Faculty Senate Communication Officer provided the new President with an outline of the [institution's deviation from normal practices for open records request](#).
- The Chair-elect of Senate and newly elected Faculty Regent had a series of meetings with the President to address the General Counsel's determination of the "university" status of Faculty Senate.

Results at 6-8 months of collaboration:

- Leaders were given verbal assurances that Senate work was university work. There was no formal codification of this assurance (which is why [this 2019 query](#) exists).
- State-mandated information regarding records requests was eventually added to the university website.

Results 5 years in:

- Compliance remains an issue, as faculty and staff continue to encounter new rules, regulations, or practices to conform with what they are told are external constraints.
- Administrative practice has not endorsed the notion that Senate work is university work. Senate actions are subject to long periods of purported administrative review and are ignored, redirected, or rejected.
- Shared governance remains elusive as the issues outlined in the [white paper](#) remain.

Breaking the pattern requires a new path for all faculty

Senate has spent 3+ years proposing and re-proposing the same solutions to FYS, annual evaluations, and the need to replenish diminished faculty ranks not because these issues are irresolvable, nor because faculty have been unable secure administrative buy-in, but because the office of the president has blocked, delayed, and redirected all faculty action, including the action that was crafted in concert with administration below the presidential level.

The recent “ruling” regarding the regent position is just the latest instance of the office of the president using “legal” determinations to restrain and covertly penalize independent faculty action. (This “ruling” conveniently follows [the President’s stated displeasure with the Regent and Senate itself.](#))

If faculty wish to forge a different future, they must take a different path forward.

“Waiting this president out”—the “solution” being proffered across campus—is no solution at all. The benefits of waiting, like the protections of a [confidentiality agreement](#), accrue in the highest office. The current president has successfully “waited out” a series of elected faculty leaders while cycling through four different provosts in five years, and now the precondition for the presidential *promise* of a hiring line is a compelled faculty compliance through a “legal” document **that does NOT guarantee:**

- whistleblower protections (either state [[KRS 61.102](#)] or federal [[EEOC](#)])
- committees will be able to offer administratively approved candidates the job advertised (budget/“accreditation” concerns will still ‘justify’ pivots to contingency)
- departments/schools will be able to retain new hires (current presidential leadership manages decline via attrition; there is no concern for retention or growth)
- academic programs will remain under faculty/disciplinary control (the current president has already shifted faculty into new areas/roles, and the “legal” protection of a confidentiality agreement provides further cover for the fractionalization of faculty and faculty administrators and [the use of PAC-26](#))

It also does not guarantee respect. The president has [defamed faculty representatives](#) in closed-door meetings and stated his belief that people from western Kentucky to West Virginia are “laughing” at Senate. The office of the president’s demeaning approach to faculty is one of coerced containment, not committed collaboration.

Faculty can break this destructive pattern, and work collectively toward a better institutional future, if they visibly and vocally support their elected representatives and refute the fiction that sustained faculty struggles to overcome unwarranted opposition are “shared governance.”

Appendix:

Our institution has a history of belatedly discovering compliance problems after elected faculty leaders attempted to productively intervene and provide solutions. A number of these belated discoveries have involved substantive issues that would have adversely affect employee remuneration and university finances. Left unaddressed, these could have led to serious legal liability for the institution:

Administrative action	Legal problem/ Liability issue	Faculty action to forestall issues and solve problems
Faculty Furlough (2016)	Furloughing faculty was not legally possible—this point was raised by the Faculty Senate Chair, the only faculty member allowed to attend the closed-session “Budget Taskforce” meetings.	After the public announcement of the furlough, the Faculty Regent and full Senate expressed the legal concerns the Senate Chair had voiced in the closed “Taskforce” sessions. Prior to this announcement, faculty leaders provided a range of suggestions for addressing the budget shortfall.
Designation of “Fiscal Officer” for the purposes of debt restructuring (2020)	While the Board of Regents bylaws clearly empower the president of the university to handle debt (c.f. section 12.2.c), the “Morehead State University Board of Regents Audit Committee Charter” (Adopted June 10, 2010), included in the bylaws, actually codified the very categorizations the administration wished to negate with the new “Fiscal Officer” designation. The proposed action in the September 24, 2020 BOR agenda, which relied on the authority of the current bylaws, thus implicitly affirmed the very designation it sought to redress.	The Faculty Regent raised concerns in advance of the BOR meeting and during the meeting itself. The administration present at the 9/24/20 meeting provided no substantive clarification and allowed the vote to proceed after another BOR member accused the Regent of “filibustering.” An overview of the concerns and this exchange is available in the 10/01/20 report , given on the Senate floor. After the 9/24/21 BOR meeting, the CFO requested a meeting with the Faculty Regent. In that meeting, the Regent again explained the concerns to both the COF and the GC. The CFO eventually presented a revision of the BOR bylaws at the August 19, 2021 BOR meeting. 11 months after the official vote internal regulations were finally aligned with the “designation” action.
“Compensation Plan” (2021)	The state pension system changed the method for calculating retirement income shortly before the administration’s “Compensation Plan” was unveiled in 2021. The employees at the state system (TRS) who worked with MSU accounts did not share our institution’s interpretation of the changes TRS had enacted.	After the Faculty Regent presented documentation of current TRS employees’ understandings and applications, the Senate discussed the divergent interpretations and requested formal clarification. In response, the President contacted officials on the TRS board to elicit a specific ruling that would accommodate his compensation plan. Had faculty leadership not intervened, employees retiring in the near future would have been subject to decreases in their retirement incomes.

The pattern: **elected faculty leaders were barred from important conversations and had to overcome opposition to even propose solutions to collective problems.**