

LCLAC Ad-Hoc Committee Report and Final Recommendation

Introduction

In October 2014, the LCLAC Chair charged this ad-hoc committee with evaluating whether the LCLAC should continue functioning as an advisory committee. This report serves as our Ad-Hoc Committee Report about our decision making process and our final recommendation.

LCLAC Ad-Hoc Committee Report

To fulfill our charge, the ad-hoc committee members held individual meetings with LCLAC members, executive leadership of campus governance groups, and the Chancellor. We reviewed LCLAC bylaws and charge, and a variety of UW-Madison, University of Wisconsin System and State shared governance law and policy. Specifically, we consulted Wis. Stat. §36.09 (4), FP & P, Board of Regents Regents Policy Document 20-20, Spoto v. Board of Regents 1994, and UWM Student Association v. Baum 1976. Additionally, as requested by the LCLAC Chair, we gathered and reviewed information about peer institution's LCLAC equivalents (where applicable; see attached chart).

In our fact gathering, we collected information from the LCLAC members and from the Chancellor to develop context. From LCLAC members, it became apparent they were not in accord in their understanding of their role and expectations. Most members expressed frustration with being unaware of the changes Chancellor Blank made to the committee structure the previous summer. When meeting with the Chancellor, we learned that she made these changes in reaction to frustration from conduct of the committee last year. This was done in consultation with the University Committee of the Faculty. The Chancellor says she is committed to open and transparent communication moving forward, and expressed a commitment to working with the committee to repair trust. Additionally, she strongly desires the flexibility and autonomy to ensure the LCLAC produces reliable, efficient, and unbiased reports to inform her decision making on Labor Codes and Licensing issues. What is clear is that a lack of trust developed on both sides and improved communication is required from now on.

Aware of this context, we compared the functions of advisory and shared governance committees. We learned that advisory status would enable LCLAC to report and otherwise communicate directly to the chancellor's office. This creates an efficient flow of communication free of a requirement to report progress and decisions back to shared governance stakeholders. Moreover, this advisory status offers the Chancellor ultimate flexibility and authority to make changes to the composition and function of the committee. Lastly, this structure provides a high amount of deference to the Chancellor in making final decisions and therefore does not require continued communication in case of impasse.

The Chancellor mentioned many of these benefits when we met with her and she stressed her desire to have a direct line of communication with LCLAC. We noted, however, that while these attributes can flow from an advisory structure, they could also flow from a shared governance structure or a hybrid version of the two (i.e. Dean of Students Advisory Committee was one example discussed).

We learned that shared governance status provides an ability to communicate with the Chancellor, while reporting progress back to the UC and other governance representatives . While this adds another reporting requirement, the shared governance structure would not preclude direct communication with central administration. Potential recommendations to the Chancellor would carry the weight of shared governance bodies represented by their appointees to the committee. Additionally, this structure assures the longevity of the committee, as it could be dissolved or changed at the sole direction of the Chancellor when operating as an advisory committee. Lastly, shared governance status fosters consensus building and formalizes processes through which the Chancellor responds to and consults, works, and engages with the committee (especially when/if impasse is reached). As with other governance groups, the Chancellor maintains final authority on decisions made, but a shared governance committee ensures a continued dialogue.

Finally, equipped with this background information, we considered the history, original spirit, and current charge of the LCLAC. We then narrowed down our recommendation to the following four possibilities:

1. The LCLAC become a Ch. 6 shared governance committee (and work in its current form in the interim).
2. This committee continue to function in its current advisory capacity without structural changes.
3. This committee continue as advisory and that a new shared governance committee (SGC) to review Labor Codes and Licensing issues be created from scratch.
4. This committee restructure as a SGC and a new, independent advisory committee be created to inform the Chancellor’s decisions related to Labor Codes and Licensing Issues.

After forming the above options, we resolved to take time to independently consider them. After five days, we reconvened to cast our votes and finalize this report.

Final Recommendation

Over the last nine weeks, we met to curate, digest, and debate this information. And, after much deliberation, discussion, and reflection, this ad-hoc committee has discerned that this committee can more fully realize its goals and charge as a shared governance committee.

Thus, by unanimous vote, we recommend the following:

1. that procedures begin to initiate the process to implement this committee, under Faculty Policies and Procedures, as a joint shared governance committee.
2. that, until the LCLAC restructures as a shared governance committee, the committee continue to function and manage its business in its current form for the current academic year.
3. that, until or regardless of whether the LCLAC restructures as a shared governance committee, the following several structural changes take place to recreate the spirit of shared governance on this committee:
 - a. The bylaws be revised to enable the shared governance bodies themselves to select, not recommend, LCLAC committee members, instead of the Chancellor from a list of nominees.
 - b. The bylaws be revised to enable the committee to select the LCLAC Chair and Vice Chair,

irrespective of their status as faculty, staff, or student.

Note: The previous version of the LCLAC bylaws enabled any member to serve as chair/vice chair so long as the members serving in both roles were not members of the same governance group.

- c. Director of Trademark Licensing (DTL) return to an ad-hoc, rather than voting member
Rationale: To preserve the spirit of shared governance the DTL should not be a voting member. Essentially, we foresee potential instances when the DTL would have to choose between carrying out the charge of this committee and fulfilling the DTL's duties representing university interests. For example, we are uncomfortable with this member being asked to vote on decisions that would potentially be against the University's best financial interest, and impacting his/her own work duties, while also serving on the LCLAC acting in the best interest of worker's rights and safety. The ad-hoc committee understands that the Chancellor is interested in having the DTL's opinion on issues or votes. The ad-hoc committee shares this view. Perhaps another way to communicate, apart from voting, can be put in place to facilitate this desire.
- b. The committee bylaws be revised to clarify protocols about handling and managing media inquiries, especially adding language where appropriate to convey that members are at liberty to express their own opinions
Rationale: In its current form, the language is at worst misleading, and at best vague in that it seems to act like a gag order. As it has been communicated, and understood, the "gag order interpretation" is not the intention of this bylaw. While the current committee is aware of the intent, committing that in writing will likely assist in the understanding of future committee members.
- e. Clarify the process by which a committee member can propose an agenda item
Rationale: Bylaw C.6. could be interpreted that the scope is limited to the Chancellor's and committee Chair's agenda (especially in the future after the 2014-2015 academic year). There is concern that this article may be used in the future as a way of dictating in advance what the committee will discuss for the upcoming semester and thus limiting the scope of the committee.

This concludes our report.

Signed

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