

The header image features a sunset over a body of water with a silhouette of the state of Michigan on the right. The text "Horton's" is in a stylized font, and "Michigan Notebook" is in a larger, bold, serif font.

Horton's

Michigan Notebook

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Ending statewide election of university boards seems a drastic reaction

By Steve Horton

In rather quick fashion, the discussion about the Michigan State University Board of Trustees went from accusations that they were “tone deaf” in their response to the survivors of Larry Nassar’s sexual abuse to declarations that they should have acted sooner and done a better job of oversight to demands that all of them resign.

When these trustees declined to leave, the drumbeat grew louder, with calls for Gov. Rick Snyder to find some justification within the Michigan Constitution that would allow him to remove them from their elected offices.

At this point, the ratcheting up of reaction was understandable. People, upset and angry, wanted justice (or at least retribution)—the quicker, the better.

From there, however, a concerted push has come to end the long tradition of electing the trustees to office by a statewide vote of the people— and not just at MSU, but also the Board of Regents at the University of Michigan and the Board of Governors at Wayne State University. Instead of being chosen by the voters, members of these three

boards would be appointed by the governor with the advice and consent of the State Senate.

Earlier this month, a package of bills was introduced in the state House to do just that. If passed by the legislature, then this proposed amendment to the Michigan Constitution would be voted on by the citizenry.

Quite a leap from wanting to get rid of the current eight MSU board members for their perceived lack of judgment and other alleged misdeeds to dismantling the current system altogether.

What started this scenario was, of course, the recent trial and conviction of Larry Nassar, the former MSU sports doctor who sexually abused young girls and women while he was treating them for sports injuries.

I don’t see the line of reasoning that takes us from a specific board accused of being tone deaf, of failing to act with empathy and transparency, and of not acting fast enough with the evidence at hand—these being a few of the criticisms leveled against them—to the conclusion that we ought to abolish this right of the people to choose their representatives.

The case being made is that this situation with Nassar (their response or lack thereof) is a symptom of a larger problem, namely that the men and women elected to these boards are unqualified; that they are part of a ‘good old boys’ network, more interested in nice seats at the football and basketball games and

hobnobbing with rich donors than overseeing the university.

The detractors also take issue with the current process whereby candidates are nominated by the political parties to appear on the ballot and then run under those partisan banners. The critics contend that candidates, famous for their athletic exploits or who are on the tail end of long political careers or are otherwise famous names, are the ones being nominated, and elected.

Of course, the code words here are ‘dumb jocks’ and ‘political hacks’. Apparently—if I’m following this logic correctly—people who have had successful athletic careers tied to the universities or long careers in public service or have earned a reputation in other endeavors—like law—are not up to the task.

Or at least not as knowledgeable as others.

BUT MY MAIN QUESTIONS AND CONCERNS WITH THIS PROPOSAL ARE: Do we really want to concentrate even more power in the office of governor and in the legislature by turning these seats into appointed positions? And do we want these universities to become pawns in the partisan and ideological battles—even more than they currently are—by removing their current autonomy?

As students taking American Government class, we learned of the “checks and balances” put into our U.S. Constitution, designed by the delegates to diffuse power. Michigan’s constitution, while not an exact duplicate, has pretty much the same intent.

When the current document was hammered out during the Constitutional Convention of 1961-62, with much wrangling and compromises—primarily between rural and urban interests—the decision was made to maintain several of the existing ‘checks and balances’, but also to put other offices under the authority of the governor and legislative input.

An example of the former was keeping the Secretary of State and Attorney General as elected positions, independent from the governor and the legislature, while an example of the latter was changing the Auditor General and State Highway Commissioner from elected posts to ones filled by appointment.

I don’t know what deliberations took place back then concerning education, but the fact that the state board of education is decided by a vote of the public and that this board, not the governor, appoints the school superintendent and the fact that the boards of the state’s three major universities are autonomous public entities implies to me that these delegates wanted to keep these boards separate from the partisan pressures and short-term expediencies that often emanate from the Capitol.

And that they perhaps didn’t deem it a good idea to put all the eggs of power in one basket.

Granted, political considerations and name recognition are part of the selection process. Better qualified people, no doubt, get overlooked. But that’s true of the appointed positions, including other college boards, where term-limited legislators and campaign donors seem to get picked. Politics, like it or not, is how the system works. It’s part of democracy.

The bottom line for me is this:

--I still prefer public participation via the ballot box and a diffusion of power. As a general principle, I think more public participation and input is preferable to further concentration of decision making.

--I don’t happen to think the current system is broke and in need of radical change, although reforms and modifications are always worth discussion and debate, and

-- I see two world-class universities with the U of M and MSU and another university—Wayne State—serving our largest urban center. Each and all have made

remarkable progress and innovations over the years.

What Larry Nassar did was horrific. If others are culpable, then their heads should roll. The investigations and any ensuing judicial proceedings will determine that.

As for the current MSU trustees, if they fail in any re-election effort, or decide (as a couple of them already have) to leave office at the end of their terms due to public backlash, then that's part of the democratic process.

But taking away the public's right to vote on these offices—the only direct means that voters have to influence these very important public institutions—and ending the autonomy that an elected board has in comparison to an appointed one seems a drastic reaction.

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P.S. I have, since writing this column, heard a reform to the present system that might be worth further consideration. That is changing the nomination process for these offices from selection by the party convention delegates to a direct primary as is the case with most other elected offices.

It seems a possible solution to the criticism that candidates for the university boards and the state board of education often tout their cause, not by knowledge and expertise regarding education, but by their political connections or their adherence to such litmus tests as their position on abortion or gun control—issues important to the partisan faithful, but not generally having anything to do with the main duties of a member on a university board.

Nominating a candidate via a primary doesn't eliminate politics and it opens the door to those with financial means and name recognition having the upper hand, as they now do with those other elected offices, whereas a less wealthy or less-well-known officer seeker might fare better at a convention, but it does give voters more input.