

FROM THE FACULTY CHAIR

Governance and How to Use It: Some MIT Case Studies

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Welcome back! In a few weeks, you'll be getting the call to the first of this year's Institute faculty meetings. What are these meetings, and what can we do with and in them?

MIT's system of faculty governance, as best I can tell, dates back to MIT's founding. Some things about it work very well, and others are challenging. Governance itself is challenging, so the challenges may not signal that it isn't working; on some views, an organization like a university *is* a "patterned system of conflict."^[1] But challenges are a signal to pay attention and think about how the system could work better. More senior colleagues have often commented that in the past, meetings *were* "better." Curious about how that looked in practice, I did some research in the Institute archives to see how a few important topics were processed through the Institute faculty meeting in the 1980s and early 1990s. This column draws on meeting minutes to describe a handful of case studies from that time, and to suggest a few takeaways in terms of results and best practices.

A little context: MIT's faculty governance combines a structure of task- and policy-focused committees – at a rough estimate, about a quarter of the faculty have some part in this aspect of governance – with monthly open meetings where all faculty have speaking and voting privileges. As Professor Patrick Winston emphasized in an earlier FNL essay, our faculty meetings allow any faculty member to raise a topic or ask a question directly, without the mediation of a committee or a representative, to an audience of peers and to the senior administration.^[2] What can that look like in practice? While one element of meetings should be *presentations and* open discussion, another can involve the use of parliamentary process.^[3] In the historical cases I'll cover, the faculty employed resolutions, procedural motions and debate to deal with an emergent issue of concern beyond the "act with power" sphere of the academic program. For each one, I'll describe the issue, the process by which it was introduced, debated, and voted, and the eventual result – not only whether a motion succeeded, but the concrete results that followed.

This will be a schematic account of some very complex issues. In choosing cases from the past, my hope was that temporal distance would make it easier to see process as well as substance. That said, histories of even the recent past are always contentious, and I hope readers will proceed with the caveat that this column provides a far from full account. Many colleagues and alumni will recall these events in greater detail, and with perspectives that are not captured in the minutes.^[4]

A new model of affiliation. The first case is a set of meetings that took place in fall 1981 regarding a proposed affiliation with the Whitehead Institute, characterized as "an institutional experiment"; the proposal emerged from roughly a year of preparatory discussion.^[5] At the monthly meeting held Sept. 16, 1981, discussion began, but was cut short by other routine but pressing business. On Sept. 30th, discussion continued at a **special meeting** held for the purpose; 90 members attended. President Paul

Gray noted that while the proposed affiliation was “not a matter for faculty vote, . . . faculty views will be explored and considered” before an eventual decision by the Corporation. After those present explored the principles and details of the affiliation, President Gray proposed introducing a “sense of the faculty” **motion** to gain a “clearer sense of the faculty’s sentiments.” The provost and others expressed concerns that a vote could suggest negotiators did not have “a mandate to reach an agreement.” Others worried that numerous abstentions (not recorded, per *Robert’s Rules*) by those not yet ready to vote would produce a misleading result; President Gray “bemoaned the missing parliamentarian.” Faculty indicated that “if a sense of the faculty was to be secured, all faculty members should have been informed in advance of a vote.” Accordingly, a vote was taken to **table the motion**, enabling it to be “taken from the table” for consideration at a later meeting if appropriate. In between the September and November minutes, a number of documents are included in the record: a letter from concerned faculty, a letter from President Gray and Provost Francis Low explaining their support for the affiliation, a text of the draft agreement, and the text of a **resolution** urging the administration “not to affiliate under the proposed terms” but to seek other ways of advancing the donor’s vision for biomedical research and training. The letter from Gray and Low encouraged faculty to attend the November meeting and expressed that they would not wish to proceed if there was “a collective negative expression of opinion.”

The November 18th meeting drew 350 faculty. Provost Low reported on newly clarified details of the proposed agreement. After some questions and answers, the previously circulated **resolution** cautioning against the affiliation was introduced, with its sponsors briefly explaining their intention as concern rather than opposition. Chair of the Faculty Felix Villars secured consent to split the motion into two parts (**divide the question**). On what was now the first motion (urging not to affiliate as proposed), some members continued to express opposition while others described an “evolution in their thinking” to a more positive view. A motion to **call the question** passed, and the first motion (opposing the terms of the affiliation) failed. The second motion (asking that a different mode of engagement be created) then became “difficult to interpret,” and a faculty member proposed a substitute motion *supporting* the planned affiliation but acknowledging concerns and risks. After Gray consulted with the parliamentarian so “we don’t get in the soup,” a **motion to replace the original with this substitute text** passed. Another motion **called the question**, and the new motion was “overwhelmingly approved.” At the December meeting, with “barely a quorum present,” the secretary was asked and agreed to submit revised minutes providing a more expansive record, using a tape recording of the meeting and notes by a colleague. The Whitehead Institute was established by agreement in 1982 to advance research in molecular biology and genetics.

Activism and disagreement. In 1985-86 and again in 1991, two sets of meetings dealt with MIT’s response to student protests urging divestment from apartheid South Africa. These took place against the background of other activities, which suggest a broad alignment of opinion across all levels of the Institute that the system of apartheid in South Africa was abhorrent. In September 1985, President Ronald Reagan issued an executive order imposing economic sanctions against apartheid South Africa, and the MIT Corporation began to study MIT’s financial relationships with entities doing business in South Africa and to develop recommendations on disengagement as well as positive actions the Institute could take in its capacity as an educational institution.[6]

Over November and December 1985, a process of debate and amendment resulted in a faculty resolution urging Institute action to “hasten the achievement of full political rights for all South Africans,” including full divestment from firms doing business in South Africa (repeatedly amended, passed 131-40 on 12/18/85). In March 1986, student protestors placed a symbolic shantytown on Kresge Oval as part of a campaign urging full divestment; after initial discussions about registering the protest-in-place for a defined time, structures were put in place without agreement and occupied for 12 days. On March 14th (the day after the end-date initially discussed), the structures were removed, and six students were arrested for obstructing removal. At the March 19th meeting, during an open discussion, faculty asked for information on this series of events. Members of the administration described the concerns that led to a decision to remove the structures and to charge students obstructing their removal with trespassing, as

"the least consequential of the actions possible." Those in attendance expressed a shared sense of regret but differed on student responsibility and MIT's next steps. A **resolution** was presented that urged prosecutions to be terminated and criminal records expunged, also asking MIT to pay court costs and legal expenses for students. Discussion produced a decision "to delay a vote until the whole faculty can be given due notice," and the faculty officers were asked about calling a **special meeting**.

On March 27th, a **special meeting** was called to consider the resolution; the meeting was held on April 3rd with 90 faculty present. President Gray provided additional details about the shantytown and his discussions with the student organization that erected it. Charges had been dropped, and the judge had acted to prevent any record of a conviction. After some discussion, a motion was made to **postpone a vote on the resolution indefinitely**. A motion to **call the question** on postponement passed, and the motion to postpone indefinitely failed. A motion to **call the question** on the main resolution also failed and discussion continued. A faculty member who voted against postponing a vote now wished to regain that option but "this taxed the parliamentary expertise present at the meeting." A motion to **table** the resolution failed, and more discussion followed. After a motion to **call the question** on the resolution passed, one of the resolution's sponsors spoke to emphasize that it should not be understood to convey "a sense of censure or rebuke." The resolution passed 59-35. Over the next several meetings (April 16th and May 21st), President Gray gave updates on the status of the legal process. MIT did not pay court costs; none of the arrested students appeared to have faced enduring legal consequences.

Anti-apartheid, pro-divestment protests occurred again in spring of 1990. President Gray indicated that he had begun interacting with groups concerned about these issues in early February, and several significant protests took place in March and April (including the placement and removal of more shanties on Kresge Oval, April 6th and 9th). The resulting confrontations led to injuries to police and students and, eventually, 32 student arrests.[7] The call to the April 18th, 1990 faculty meeting included an agenda item on campus demonstrations and indicated that "several faculty have expressed an interest in introducing a motion." Forty-five faculty attended, just above a quorum. The meeting began with a chronology of events offered by Chair of the Faculty Jake Jacoby. The **motion** introduced expressed regret about the physical confrontation, arrests, and injuries occurring at protests and during removal of the shanties. Alluding to the 1986 motion, the resolution asked for similar actions on prosecution, criminal records and court costs, and requested that a joint advisory panel on demonstrations be stood up to set policy, consult in crises, and monitor "major political demonstrations on campus."

Discussion followed, this time including remarks by faculty observers and student participants in the demonstrations (who had speaking privilege as leaders in student government). A motion was made to **postpone the vote** because "most faculty members did not have adequate notice of ... the Resolution." [8] Another colleague urged speedy action on behalf of the affected students. The motion to postpone failed 24-23. Sponsors of the main motion accepted a suggestion to **divide the question**, separating the motion into two parts. The first motion (expressing regret and asking MIT to remove legal consequences and costs) passed 25-13. A motion to **postpone** voting on the second motion (establishing a standing advisory panel) passed unanimously.

At the May meeting (90 members in attendance), a revised version of what was now the second motion was offered, asking for a study panel to review and make recommendations on how demonstrations are handled, on guidelines for the conduct and handling of demonstrations and on the establishment of an advisory panel to be consulted in times of crisis. An amendment ("possible establishment") failed 39-37. The **motion** passed with "some dissenting votes" (numbers not given). The resulting study panel, chaired by Professor John Kassakian, reported out in May 1991, and its brief report was supported by FPC and formally endorsed by the faculty; the principal takeaway was to involve, consult, and make use of faculty in responding to demonstrations. A small sit-in that month was resolved through conversation with faculty and administrators, who negotiated an end time in exchange for forgoing disciplinary action against the protestors. After this period, need for the recommendations of the Kassakian report did not arise. One

visible and lasting result was the establishment of an informal problem-solving committee, PORTIA, by Associate Provost Jay Keyser (well-known as the originator of Random Faculty Dinners). I will circulate the Kassakian report to the Faculty Policy Committee this fall.

The 1986-91 meetings straddled a third case (closing Applied Biological Sciences in 1988) and overlapped a fourth one (reviewing the status of ROTC on campus in 1990). Both were substantial topics of debate and discussion with important outcomes. For these two cases, I'll give a more skeletal outline of process and focus on the results.

Closing an academic department. In February 1988, with 100 members present, a discussion began with the provost expressing his regret for flaws in the process of arriving at a decision to close the Department of Applied Biological Sciences (ABS) and move its faculty to other units; other leaders echoed this sentiment. On the March 1988 agenda were reports from the administration and the chair of the faculty regarding the ABS decision and **two motions**. At the meeting held March 16th, with 220 members attending, Chair of the Faculty Bernard Frieden reported that the administration had agreed to work with the Faculty Policy Committee to arrive at standards for processes that might lead to closing or reorganizing academic units. A sponsor of the first, longer motion described its spirit as expressing the "need for a clear statement of what tenure at the Institute means and about the need for policies and procedures for situations like the ABS closing"; concerns were nonetheless expressed that the wording of the motion was unduly negative and could be "too constraining for good governance."^[9] A vote on the first motion was **postponed** to "see what happens." The second **motion** was briefer, asking for a review of the process to determine lessons learned, make recommendations, and report to the faculty. It passed unanimously.

These meetings on the ABS process had two direct results: one was the founding of the *Faculty Newsletter*. The other was appointment of the Committee on Reorganization and Closing of Academic Units, chaired by Professor Sheila Widnall and jointly appointed by President Gray and Chair Frieden. Six weeks later, at the May 1988 meeting, the faculty accepted and endorsed the Widnall committee report and its recommendations; the sponsors of the first motion moved to **postpone indefinitely** a vote on their motion, effectively doing away with it. The report provided a defined process to be followed in closing or substantially reorganizing academic units; delineated the nature of tenure appointments and appointments of non-tenured faculty for the first time; and gave faculty committees guidelines for considering proposals to terminate degree programs. Over the next nine months, the Faculty Policy Committee worked with Institute counsel and the Corporation to craft changes to Policies and Procedures and to the Rules of the Faculty; motions to make these changes were voted and passed with virtual unanimity in March and April 1989, and the committee's work became part of MIT's operating system of rules and policies.

ROTC, federal policy, and MIT values. Like the debate on divestment from South Africa, discussions of the ROTC program at MIT in the early 1990s touched on a topic that reached beyond our campus. In this case, the policy of the federal government barring gays and lesbians from openly serving in the military conflicted with MIT's values; events brought this conflict to the fore. At MIT, the minutes show little dissent either on the issue or on the value of *having* ROTC on campus; debate was on exactly how to proceed, and what kind of language to use. Prior to the May 16th, 1990 meeting, faculty had proposed two concurrent resolutions regarding ROTC policy on sexual orientation; a revised version of the **first resolution** resulting from "many discussions" was presented in the meeting and endorsed by the sponsor of the **second resolution**, **withdrawing** his own. The single resolution discussed endorsed the leadership of the president and provost in opposing the DoD's discriminatory policy, endorsed the recommendations of an existing study committee on ROTC, requested that the committee recommend a deadline for terminating the program if necessary, and requested an annual report on progress. The **motion** was approved with a few dissenting voices.^[10] Working within the constraints of regulations and its own principles, MIT would design a relationship with the campus ROTC program consonant with Institute values and policies, and a faculty committee would monitor and report annually on the status of the program and of DoD policy. President Charles Vest engaged in years of face-to-face advocacy in

Washington, and in 1998 MIT joined an amici curiae brief on *Able v. US* asking that the policy be ruled unconstitutional. Nonetheless, it took over almost 20 years of litigation and lobbying to move past what the 1991 minutes describe as “anger and opposition” among national leaders. The policy of exclusion would finally be changed in 2010.

A few takeaways.

1. A relatively small number of parliamentary motions enabled faculty to debate and shape action on a range of small and large topics, from the local to the international; this level of expertise should be accessible to all of us. (I hope to prepare a guide to frequent motions and meeting “best practices” for the faculty governance website). Agreements on a course of action often *preceded* any parliamentary process; in several cases, motions stimulated focused exploration of the issues and produced a compelling record of consent to act.
2. These cases show both the administration actively soliciting a coherent “sense of the faculty” in shaping institutional decisions and the faculty seeking to direct the administration to act. The number of faculty participating in deliberation on such motions (from 45 to 350) varied widely, as did the degree of consensus achieved (from a 1 vote majority to unanimity).
3. Faculty have repeatedly articulated the expectation of ample notice when a significant vote is expected, and time to read and absorb the resolution on which they are expected to vote. Common practice has been to request time on the agenda that circulates with the call to the meeting, providing the text of the relevant motion and its rationale as an enclosure. When topics arise quickly or when discussion goes beyond the time available, special meetings can provide the needed time for deliberation and debate (the same expectation of sufficient notice applies). For many complex questions, the next step has often been to delegate a group of faculty as a committee to do a deeper dive and report back with recommendations.
4. Sponsors of successful resolutions often consulted on and revised them between the call to the meeting and the meeting itself, or between the first and second meeting at which a resolution was discussed, making changes that led to greater assent. There may be some lessons in studying the kinds of changes that made motions more attractive and thus secured better approximations of a real “sense of the faculty.” But these don’t have to come from study of the archives: both common sense and recent experience suggest that conversation and coordination across a range of viewpoints and perspectives will be our best tool in discovering language and recommendations that the greatest number of faculty will readily understand and support.

Summary points: Collaboration with colleagues before and between meetings is generally critical in drafting successful, actionable resolutions; the broader the consultation, the smoother in-meeting process can be. The most compelling motions registering a “sense of the faculty” will pass by a sizable margin at a well-attended meeting after ample discussion and debate by an informed electorate.^[1]

[1] Deborah M. Kolb and Susan S. Silbey, “Enhancing the Capacity of Organizations to Deal with Differences,” *Negotiation Journal*, Oct. 1990, 301. Professor Silbey (Anthropology/Sloan) is a former chair of the MIT faculty.

[2] Patrick Winston, “Does MIT need a faculty senate?” (<https://web.mit.edu/fnl/volume/284/winston.html>.) Professor Winston’s article responded to an op-ed arguing the converse (C. Cummins, W. Flowers, J. King 2016, <https://web.mit.edu/fnl/volume/283/editorial.html>). A number of faculty chairs have written *FNL* articles on our existing governance structure, including H. Jacoby (1991); R. Bras (2003); T. Kochan (2011); K. Rajagopal (2016); S. Silbey (2017); R. Danheiser (2021).

[3] Customarily in accordance with *Robert's New Rules of Order*. The aims of such procedural rules are to protect the rights of members to be informed, discuss, and vote, provide that the majority vote rules, and protect the right of dissenting voices to be heard. (Sarah E. Merkle, "Three Foundational Principles of Parliamentary Procedure," The Law and Order Blog, <https://civility.co/>.)

[4] Additional coverage of some topics may be found in the archives of *Tech Talk*, the *Faculty Newsletter*, and *The Tech*.

[5] Minutes 9/30/81 and 9/16/81. Unless otherwise specified, all quotations and facts are drawn from the minutes of Institute faculty meetings referenced by date.

[6] Ronald Reagan, **Message to the Congress Reporting on the Economic Sanctions Against South Africa Sept 5, 1986** (Reagan's executive order is referenced in the Corporation documents). The faculty meeting minutes include reports from the Executive Committee of the MIT Corporation and the Corporation's Advisory Committee on Shareholder Responsibility among other related documents.

[7] Dates and details taken from Samuel J. Keyser, *Mens et Mania* (Cambridge, 2011), chapter 13.

[8] Secretary of the Faculty Jack Ruina adds a note that it is "usual procedure when a vote is expected" to include a text in the call to the meeting. Ruina served as Secretary for five consecutive terms, 1981-91.

[9] Concerns about the pitfalls of overly constraining language can be seen across a range of issues.

[10] The committee on ROTC accordingly reported to the faculty in October, 1990, and proposed further actions in a motion approved by its members, the Faculty Policy Committee, and the Undergraduate Association; the motion passed with two abstentions. See further the 1996 column in *FNL* by Professor Steve Graves, chair of the 1996 Task Force on ROTC: <https://web.mit.edu/fnl/vol/archives/fnl82.pdf>. A 2003 column by Professor Michael Piore describes MIT's approach to resolving the values conflict locally: <https://fnl.mit.edu/wp-content/uploads/2020/06/fnl161.pdf> .

[11] The standard parliamentary manual, *Robert's New Rules of Order*, notes that the parliamentary process assumes an assembly where members can hear each other speak, and that many complications not covered by the rules are introduced by allowing asynchronous voting on motions.