



University Council

To: President Jere W. Morehead


Re: Recommendations of the University Council from the August 12, 2020 Meeting
Document Number: 2020.08.12.01

Issue: A request for the University Council Executive Committee to immediately form an ad hoc COVID-19 Crisis Response Committee of 12 elected, not ex-officio, members who reflect the current composition of faculty, staff, and students on Council and charge the committee as follows:

- To participate as a legislative stakeholder in the administration's discussions with active COVID task forces and committees by relaying COVID-related views and concerns of members of Council and its standing committees to the administration and collecting its responses.
- To report in writing directly to University Council members and its Executive Committee at least every 30 days on COVID-related status reports and policies.

Discussion: An extensive discussion on the proposal occurred.

Action: The vote was called, and the proposal was approved 96-54 with six abstentions.

Submitted by: 
Fiona Liken, Secretary


9/3/20
Date

Approved (with attached clarification on the proposal)

Reconsider

Vetoed (see attached explanation)

Received


Jere W. Morehead, President

9/3/20
Date

MEMORANDUM

TO: President Jere W. Morehead

FROM: Professor David Shipley, Chair, Executive Committee of the University Council

DATE: SEPTEMBER 2, 2020

RE: COVID-19 Crisis Response Committee

Based on the actions summarized in this memorandum, and in my capacity as Chair of Executive Committee of the University Council, I would like to start the process of appointing the 12-member ad hoc COVID-19 Crisis Response Committee from the members of the University Council.

1. The University Council met on Wednesday, August 12, 2020, and approved a resolution for the Executive Committee to form an ad hoc COVID-19 Crisis Response Committee. The specific recommendations are in the attached form, submitted to your office by the Council's Secretary, Fiona Liken, on Friday August 14, 2020.
2. On Monday August 17, 2020, you sent me a memorandum requesting clarification about how the ad hoc committee would participate in the work of the PMAB and the MOTF, and how such participation is part of the University Council's legislative powers, without infringing on the administration's executive duties. The August 17 memorandum is attached.
3. On Wednesday, August 19, 2020, I asked the Council's Secretary to send an email to the Executive Committee of the University Council asking for volunteers to serve on a special subcommittee that would draft a response to your request for clarification. That message is attached.
4. On Friday, August 21, 2020, I emailed five members of the Executive Committee to thank them for volunteering to serve on the special subcommittee, and I asked Dr. Barbara Biesecker to serve as Chair. A copy of that email is attached.
5. The following week, Dr. Biesecker contacted you on behalf of the subcommittee to ask several questions, and you responded by email. These emails, dated Monday, August 24, 2020, and Tuesday, August 25, 2020, are attached.

6. On Monday, August 31, 2020, I received the Memorandum of Clarification prepared by the special subcommittee. The email I received from Dr. Biesecker and the subcommittee's memorandum are attached. I forwarded these documents to your office on August 31, 2020.

7. On Tuesday, September 1, 2020, you sent me and the members of the subcommittee a response to the clarification memorandum, expressing your understanding the subcommittee's memorandum, thanking them, and stating that you looked forward to working collaboratively with the University Council in responding to the pandemic.

As Chair of the Executive Committee of the University Council, I respectfully request that you act on the recommendations of the University Council from its August 12, 2020, meeting delivered by the Secretary to your office on August 14. Your approval of the recommendations would be subject to the terms of the clarification memorandum prepared by the special Executive Committee subcommittee that was sent to you on August 31. If you approve the recommendations as qualified by the subcommittee's memorandum, I will take appropriate steps to form the ad hoc COVID-19 Crisis Response Committee.



August 17, 2020

MEMORANDUM

TO: David E. Shipley
Chair, Executive Committee of the University Council

FROM: Jere W. Morehead
President *JAM*

RE: University Council Resolution

As you know, at a special meeting of the University Council on August 12, 2020, the Council approved a resolution providing:

- A request for the University Council Executive Committee to immediately form an ad hoc COVID-19 Crisis Response Committee of 12 elected, not ex-officio, members who reflect the current composition of faculty, staff, and students on Council and charge the committee as follows:
 - To participate as a legislative stakeholder in the administration's discussions with active COVID task forces and committees by relaying COVID-related views and concerns of members of Council and its standing committees to the administration and collecting its responses.
 - To report in writing directly to University Council members and its Executive Committee at least every 30 days on COVID-related status reports and policies.

The University Statutes provide that the University Council “shall exercise legislative power on matters dealing with the general welfare of the entire University and, consistent with the Policies of the Board of Regents shall make such rules and regulations as it may deem necessary or proper for the promotion of the general welfare of the University.” University Statutes Art. V, Sec. 2; Board of Regents Policy Manual Sec. 3.2.3. Such legislative acts are subject to my approval. University Statutes Art. XV. As President, I act as executive head of the institution, responsible for the management and operation of the University. Board of Regents Policy Manual Sec. 2.6.1; University Statutes Art. II. In exercising these administrative duties, I have authority to “decide all questions of jurisdiction, not otherwise defined by the Chancellor, of the several councils, faculties, and officers.” Board of Regents Policy Manual Sec. 2.6.2.

With respect to the resolution, the University has two active COVID-19 related task forces and committees that were established by the administration under its authority to operate and manage

David E. Shipley
August 17, 2020
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the University. The Preventive Measures Advisory Board (PMAB) and Medical Oversight Task Force (MOTF) were established based on recommendations of working groups with broad representation of experts across campus and in consultation with many others.

The PMAB is comprised of technical experts in infectious disease, medicine, public health and safety, and communications. This group considers and provides recommendations for issues related to COVID-19 and reopening of campus. The MOTF, also composed of technical experts, coordinates processes and information exchange related to various COVID-19 testing practices, surveillance strategies, and clinical services. This group also facilitates the contact tracing efforts of the Georgia Department of Public Health. These committees therefore exercise administrative functions.

Pursuant to Art. V, Sec. 2, Par. 6 of the University Statutes, the University Council has the power to create committees for the orderly and efficient handling of its business. I am willing to facilitate communications between the PMAB and MOTF and the ad hoc committee called for by this resolution to facilitate the Council's exercise of its legislative powers. But I have strong reservations about the committee's participation in the administrative duties of the two committees. For example, these groups sometimes have the need to access individual health information.

To assist in deciding whether to support the resolution or to exercise my veto power pursuant to Art. XV of the University Statutes, I am requesting clarification of specifically how the ad hoc committee would participate in the work of the PMAB and MOTF and how such participation is part of the Council's legislative powers, without infringing on the administration's executive duties.

Thank you for your attention to this matter.

cc: Michael Raeber, General Counsel

Memorandum:

To: The Executive Committee of University Council

From: Professor David Shipley, Chair

Re: A Request for Clarification from President Morehead

I received the attached memorandum from President Morehead late Monday afternoon regarding the creation of the Crisis Response Committee. He discusses the two COVID-19 tasks forces and committees that have been established - the Preventive Measures Advisory Board and the Medical Oversight Task Force. In the next to last paragraph he notes his strong reservations about this ad hoc committee's participation in the administrative duties of these two bodies, and then asks, in the final paragraph, that the Council clarify "specifically how the ad hoc committee would participate in the work" of the two groups and "how such participation is part of the Council's legislative powers, without infringing on the administration's executive duties."

Please let me and Registrar Fiona Liken know by **5:00 pm next Monday, August 24**, if you would like to serve on a small subcommittee of the Executive Committee that will clarify how the ad hoc Crisis Response Committee will participate in the work of these two working groups. I would appreciate having several members of the Executive Committee take on the task of drafting a response that provides clarification to the President. I am sure this will require discussions with the three professors from the College of Education who presented the ad hoc Advisory Committee proposal to the University Council last Wednesday.

If you are interested in serving on this subcommittee, please email me at shipley@uga.edu and copy Fiona at univcouncil@uga.edu.

Clarifying the participation of the Crisis Response Committee

David E Shipley <shipley@uga.edu>

Fri 8/21/2020 7:00 AM

To: Kevin Burke <burkekq@gmail.com>; Barbara A. Biesecker <bbieseck@uga.edu>; Milton W Masciadri <mmasciad@uga.edu>; Janet Westpheling <janwest@uga.edu>; Luke P Naeher <lnaeher@uga.edu>
Cc: Fiona B Liken <fliken@uga.edu>

Dear Barbara, Jan, Kevin, Luke and Milton: Thank for volunteering to serve on the special subcommittee that will clarify for President Morehead how the ad hoc Crisis Response Committee will work with the Preventive Measures Advisory Board and the Medical Oversight Task Force. As noted in my email to the Executive Committee on Wednesday, I think it would be wise to talk to the three professors from the Early College of Education who presented the advisory committee proposal to the University Council. My colleague Usha Rodrigues has some ideas about how the advisory committee might function, and the University's general counsel, Mike Raeber, might be able to provide guidance.

Barbara, as Chair-Elect of the Executive Committee, would you be willing to chair this subcommittee and get the ball rolling?

Thanks again. David

David E. Shipley
Georgia Athletic Association Professor in Law
University of Georgia School of Law
Faculty Athletics Representative to the NCAA and the SEC
323 Rusk Hall
University of Georgia
Athens, GA 30602
706 542 5184

Good afternoon, President Morehead,

Dr. Shipley asked me to chair the Executive Committee's subcommittee charged with providing you with the clarifications you requested regarding the resolution to establish an ad hoc COVID-19 Crisis Response Committee. I am writing on that subcommittee's behalf.

The subcommittee believes it prudent to seek out some very basic information at the outset and, therefore, would appreciate receiving any information you are willing and able to share with us along the following lines:

1. Do you meet on a regularly scheduled basis with the PMAB and the MOTF or representatives thereof? Are these meetings held remotely (via zoom or another platform) or in person (in accordance with the mask policy and social distancing guidelines)?
2. Do you often meet on very short notice with the PMAB and the MOTF or representatives thereof?

To be perfectly clear and hopefully helpful, it is the subcommittee's understanding at this time that the resolution does not state that the ad hoc committee "would participate in the work of the PMAB and MOTF" by effectively 'joining' the PMAB and MOTF but would be at the table whenever the advisory board and task force meet with you. Hence, the questions above.

Thank you in advance,

Barbara A. Biesecker, Professor
Communication Studies
Pronouns: she, her, hers
Affiliated Faculty, Institute for Women's Studies
Senior Teaching Fellow, 2020-2021
Member, University Council
Member, University Council Executive Committee
Chair-elect, University Council Executive Committee
UGA Representative to the USG Faculty Council
629 Caldwell Hall | Athens, GA 30602



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Re: Request for Information

Professor Biesecker:

Thank you for sharing your recent email. I will try to respond to the questions you have raised.

I do not have regularly scheduled meetings with the PMAB, MOTF, or their representatives. These groups are exercising administrative duties that I have delegated to them as experts in their areas. Much of the work of the two bodies consists of responding directly to time-sensitive requests for guidance from various units of the University, and I am not always directly involved in those communications. My communication with the two groups is dictated by specific issues, their time-sensitivity, and scheduling constraints of the two committees as well as my own. When these communications occur, they are often by telephone with individual members of the committees and sometimes take place indirectly through the Chief of Staff or other representatives in the Office of the President.

With respect to the last paragraph of your email, it is still not clear from the language of the resolution what it would mean for the ad hoc committee to "participate as a legislative stakeholder" in the administration's discussions with the two committees.

Given the episodic and time-sensitive nature of communications with the two committees, a request to be "at the table" for such communications would raise serious concerns about interfering with the administrative work of the institution through these two groups. However, I am open to facilitating information sharing with the ad hoc committee, as long as it is necessary and consistent with the Council's legislative role and does not disrupt the committees' efforts to protect the health and safety of our campus community.

I look forward to receiving some clarification on the Council's resolution.

Regards,

JWM

On Aug 24, 2020, at 5:08 PM, Barbara A. Biesecker <bbieseck@uga.edu> wrote:

EC Subcommittee: Memorandum of Clarification

Barbara A. Biesecker <bbieseck@uga.edu>

Mon 8/31/2020 3:29 PM

To: David E Shipley <shipley@uga.edu>

Cc: Kevin J Burke <burkekq@uga.edu>; Milton W Masciadri <mmasciad@uga.edu>; Luke P Naeher <lnaeher@uga.edu>; Janet Westpheling <janwest@uga.edu>; Barbara A. Biesecker <bbieseck@uga.edu>

 1 attachments (257 KB)

Memo of Clarification of the UC Resolution 8-31-20.pdf;

Good Monday afternoon, Dr. Shipley,

Please find attached to this email the Memorandum of Clarification prepared by the Resolution Clarification Subcommittee and addressed to President Morehead. Per our conversation, it is my understanding that you will forward the memo to President Morehead.

The subcommittee proceeded in the following manner:

On Monday, August 24, the members of the subcommittee and the Parliamentarian met via Zoom at 1:00PM. At that initial gathering, the members discussed the President's request for clarification (memorandum dated 8/17) with an aim to clearly comprehending our charge.

On Monday, August 24, the chair of the subcommittee posted an email on behalf of the subcommittee to President Morehead, requesting any information he was able and willing to share about his interaction with the PMAB and the MOTF. President Morehead responded in a timely and helpful manner, and his response was shared with all members of the subcommittee as well as the members of the Covid-19 Crisis Resolution Working Group.

On Wednesday, August 26, the members of the subcommittee and the Parliamentarian met via Zoom (3:30-5:00) with representatives of the Covid-19 Crisis Resolution Working Group to receive clarification on the resolution with respect to one, "how the ad hoc committee would participate in the work of the PMAB and MOTF" and, two, "how such participation is part of the Council's legislative powers, without infringing on the administration's executive duties."

Based on those discussions, the chair of the subcommittee drafted the Memorandum of Clarification and circulated that draft amongst all the members of the subcommittee for review. We then collectively edited and revised to the point that all members of the

subcommittee were satisfied with the document.

Please do not hesitate to contact me or members of the subcommittee if you have any questions and/or concerns.

Sincerely,

Barb

Barbara A. Biesecker, Professor

Communication Studies

Pronouns: she, her, hers

Affiliated Faculty, Institute for Women's Studies

Senior Teaching Fellow, 2020-2021

Member, University Council

Member, University Council Executive Committee

Chair-elect, University Council Executive Committee

UGA Representative to the USG Faculty Council

629 Caldwell Hall | Athens, GA 30602



**UNIVERSITY OF
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Franklin College of Arts and Sciences
Department of Communication Studies

August 31, 2020

MEMORANDUM

TO: Jere W. Morehead
President

CC: David Shipley
Chair, University Council Executive Committee

FROM: Resolution Clarification Subcommittee
Barbara A. Biesecker, Chair, Kevin Burke, Milton Masciadri, Luke
Naeher and Janet Westpheling

RE: Request for Clarification of the University Council Resolution

Per your request for clarification of the resolution to form an ad hoc COVID-19 Crisis Response Committee (CCRC), the members of the subcommittee met with representatives of the CCRC working group who proposed the resolution as well as the Parliamentarian and came to unanimous agreement on the following clarification:

1. To the question of "specifically how the ad hoc committee would participate in the work of the PMAB and MOTF," the subcommittee finds:
 - A. The CCRC will NOT participate in the work of the PMAB and MOTF. The CCRC will NOT function in any manner as members of the advisory board or task force.
 - B. The CCRC would meet with you, President Morehead, or your designee and the chairs of the PMAB and MOTF at least once every thirty (30) days to share students', graduate students', staff's, and faculty's concerns and gain information.
2. To the question of "how [the CCRC's] participation is part of the Council's legislative powers, without infringing on the administrations executive duties," the subcommittee finds:

- A. It is the subcommittee's understanding that the purpose of the CCRC is threefold: One, to ensure the University Council fulfill its legislative charge by receiving input from and giving voice to its constituencies (students, graduate students, staff, and faculty) as the PMAB and MOTF work with the administration to address and redress the impacts of the pandemic on the university community. Two, to be correctly informed about the ongoing and evolving efforts of the PMAB, the MOTF, and the administration to address and redress the ever-changing impacts of the pandemic on the university community. Three, to report on those efforts to its constituencies.**
- B. Given its threefold purpose—to give voice, to listen, to report—the CCRC, members will have voice but NO vote in any meeting of the CCRC with the President or his designee, the chair of the PMAB, and the chair of the MOTF.**

The members of the Resolution Clarification Subcommittee wish to underscore that the COVID-19 Crisis Committee's Working Group proposed "voice but NO vote." This was not an imposition of guardrails imposed on the resolution's authors by the subcommittee. It is the subcommittee's, working group's and Parliamentarian's understanding that "voice but NO vote" marks the distinction between the legislative responsibility and power of the CCRC and the administration's executive duties.



September 1, 2020

MEMORANDUM

TO: Resolution Clarification Subcommittee Members
Barbara A. Biesecker, Chair
Kevin Burke
Milton Masciardri
Luke Naeher
Janet Westpheling

FROM: Jere W. Morehead, President *JW*

CC: David Shipley, University Council Executive Committee Chair

RE: **Request for Clarification of the University Council Resolution**

I have received your August 31 memorandum clarifying the resolution to form an ad hoc COVID-19 Crisis Response Committee (CCRC).

I understand from your findings that, under the resolution, the CCRC will not participate in the work of the Preventative Measures Advisory Board (PMAB) or the Medical Oversight Task Force (MOTF) or function in any manner as members of these groups. In addition, I understand that the resolution asks that the CCRC will meet with me, or my designee, and the chairs of the PMAB and MOTF at least once every 30 days to share concerns and gain information.

I have no additional questions regarding the resolution at this time, and I thank you for your attention to this matter.

I look forward to working collaboratively with the University Council during the coming year as we continue to respond to the pandemic.