




November 3, 2020

**MEMORANDUM**

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

FROM: Michael M. Raeber  
General Counsel 

RE: University Council – Executive Committee Proposal

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It was brought to my attention that the Executive Committee of the University Council is considering a draft proposal for the creation of an ad hoc committee relating to Baldwin Hall. As I understand it, the composition of the ad hoc committee would be overseen by the Executive Committee, and the ad hoc committee would report to the University Council. The ad hoc committee would review and consider information related to Baldwin Hall and the University's relationship with the local community, and the committee would make recommendations to the University on, among other things, a management plan for the Baldwin Hall site.

As you know, the University Statutes delineate the University Counsel's authority. The 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. As executive head of the institution, the President is responsible for the management and operation of the University, and all actions of the University Council are subject to the President's approval. Board of Regents Policy Manual Sec. 2.6.1; University Statutes Arts. II, XV.

In its review and consideration of this proposal, the Executive Committee should be mindful of the distinction between the University Council's legislative power and the administration's authority for the management and operation of the University. In particular, management of university property is an administrative function that is not subject to the legislative powers of the University Council.

Please let me know if you have any questions.