

This discussion paper addresses the history and role of community colleges and junior colleges<sup>1</sup> in Michigan, specifically addressing how the framers of the Michigan Constitution of 1963 understood the ability of community colleges to grant baccalaureate degrees. This analysis includes a review of the Michigan Constitution of 1963, as amended, the Official Record of the Constitutional Convention of 1961 (“Constitutional Convention” and, when cited, “Record”), relevant case law, Attorney General opinions, and secondary sources related to the Constitutional Convention.

## QUESTION

**Did the framers of the Michigan Constitution of 1963 envision that 4-year baccalaureate degrees could be granted by both state public universities and community colleges or junior colleges?**

There is no evidence in the Constitutional Convention that the framers of the Michigan Constitution of 1963 envisioned that a 4-year baccalaureate degree could be granted by both state public universities and community colleges. In fact, the Constitutional Convention and resulting Michigan Constitution of 1963 approved by the People of the State of Michigan evidence the clear intent that the two distinct types of institutions were intended to serve different educational missions. Historically, the educational mission of community colleges and universities were very different -- community colleges serve unique educational needs of the communities in which they are geographically located while universities are academic institutions of higher learning. The framers of the Michigan Constitution of 1963 recognized the important, yet distinct, missions of the two institutions when crafting the constitutional sections for each institution. The distinctions between community colleges and universities are embedded in our state Constitution and implemented by Michigan statute. Authorizing a community college to grant baccalaureate degrees would be in contravention of the intended mission and structure of such institutions as set forth by the framers of the Michigan Constitution of 1963.<sup>2</sup>

---

<sup>1</sup> For purposes of this memorandum, the use of term “community colleges” is used interchangeably with “junior college.” The term “universities,” unless otherwise noted, refers to state institutions of higher education that grant 4-year baccalaureate degrees.

<sup>2</sup> While the terms “Associate’s degree” and “Baccalaureate degree” are not defined in Michigan law, the terms are commonly understood to mean two-year and four-year degrees, respectively. The Higher Learning Commission, which is responsible for accrediting Michigan’s 15 public universities and several Michigan community colleges and private educational institutions, issued in July 2011 a “Protocol for Peer Reviewers Reviewing Credit Hours Under the Commission’s new Policies.” In the Protocol, the degrees are equated to the successful completion of a minimum number of hours. For an associate’s degree, the number is 60 hours (equivalent to a 2-year program of study) and for a bachelor’s degree, the number is 120 hours (equivalent to a 4-year program of study).

## DISCUSSION

### I. COMMUNITY COLLEGES IN MICHIGAN: FROM THE EARLY 1900s TO THE CONSTITUTIONAL CONVENTION.

Michigan helped pioneer the community college movement in the United States. As early as 1852, the president of the University of Michigan suggested that the first two years of collegiate work be transferred to high schools. See Citizens Research Council of Michigan, *Grand Rapids Junior College: Prospects and Alternatives* (January 1967), p 4. And while the Michigan Constitution of 1908 included no references to community colleges or junior colleges, by 1914, the very first junior college in Michigan, the Grand Rapids Junior College, was founded. *Id.* at 4. Grand Rapids Junior College was “founded as a unit of the Grand Rapids school system by the Grand Rapids board of education” and was originally housed on the top floor of the Central High School for the first 12 years of its existence. *Id.* at 7, 43. This two-year junior college offered different categories of course work—degree, diploma and certificate, other (for those students who may transfer to an associate degree program), and evening college (programs offered in the evening for students). *Id.* at 8. Under its “degree” program, a student could take one of four programs to earn an associate degree in arts or science. *Id.* This program was intended for students planning on ultimately transferring to a “senior college” or university or those seeking to make community college terminal.<sup>3</sup> *Id.*

In 1917, Michigan passed its first junior college law, Public Act 146 of 1917 (“PA 146”), which authorized “the board of education in any school district . . . having a population of more than [30,000]” to offer “advanced courses of study for high school graduates, **which courses shall not embrace more than two years of collegiate work.**” 1917 PA 146, § 1 (emphasis added); see also *Shaw v Macomb County Community College*, 389 Mich 69, 75; 204 NW2d 129 (1973). PA 146 provided that the board of education in the school district must provide the instructors and adopt regulations for the admission and conduct of pupils and for the issuance of “diplomas” upon completion of courses. 1917 PA 146.

The language of PA 146 was adopted by the Legislature in the School Code of 1927. See *Shaw v Macomb County Community College*, 389 Mich 69, 75; 204 NW2d 129 (1973). Under the School Code of 1927, the board of education in any school district with a population of more than 25,000 could authorize “advanced courses of study for high school graduates, **which courses shall not embrace more than two years of collegiate work.**” *Id.* at 76, citing former MSA 15.610 (emphasis added). The board of education remained responsible for the instructors, regulations, and issuance of “diplomas” for the students. *Id.*

The School Code of 1955 maintained similar language and provided that a school district of more than 10,000 could authorize “collegiate and noncollegiate courses” for no longer than two years of collegiate work. *Id.*, citing former MCL 340.791. During this time, community colleges continued to develop across Michigan. By the late 1950s, Michigan had 16 community colleges, with enrollment of 5,795 students. *Id.* With the role of community colleges expanding in Michigan’s educational system, the Legislature authorized an investigation of higher

---

<sup>3</sup> In this context, “terminal” simply means that no additional education would be necessary for the community college student to enter into a given occupation.

education, including community colleges. On September 14, 1956, the Legislature agreed to a special investigation and report on community colleges. This investigation resulted in “The Community College in Michigan,” by Dr. S.V. Martorana in “The Survey of Higher Education in Michigan” by John Dale Russell (June 1957) (the “Russell Report”). Russell Report, p ii. The Russell Report culminated in over 200 pages of analysis that explored the role of community colleges and made recommendations for future action. Because the Russell Report was heavily relied upon by the delegates of the Constitutional Convention, an expanded discussion of its findings are discussed below.

Although the Russell Report noted that a diversity of viewpoints existed on the role of community colleges, the common thread to each viewpoint was the distinct mission of community colleges in Michigan’s education landscape. Russell Report, pp 2-3. According to a community college representative:

**These institutions need to be divorced from the administrative structure which also is designed to control and handle the financial support of the lower grade levels of the public schools. What the community colleges need to help them decisively to accomplish their duly recognized purposes is to be under an administrative structure which gives a distinct identity to the community colleges both at the level of local operation and at the level of State administration and support. The community college should not be administratively or fiscally tied either to the schools below or to the colleges and universities above.**

Russell Report, p 2 (emphasis added).

The Russell Report found that Michigan community colleges “on the whole accept and are making energetic efforts to accomplish” the following mission:

- (1) providing general education for all students;
- (2) offering transfer and college-parallel courses in pre-professional fields and in the arts and sciences;
- (3) providing organized occupational programs for students who will seek to enter employment immediately after leaving the local college;
- (4) offering adult and community service programs of a wide variety; and
- (5) providing a full program of student personnel and counseling services for the students enrolled.

*Id.*, p 3. The authors of the Russell Report analyzed the above-mentioned functions as follows:

[The functions] are not entirely like those usually attached to the high-school level of the educational system on the one hand, nor like those of the advanced colleges on the other hand. The community college level has elements of similarity both to schools below and to the universities

above, but its own particular assignment within the total system of education is coming increasingly to be defined and recognized. As a result of the recognition of the distinct functions of the community college, the role of the upper division and graduate programs of degree-granting institutions is becoming more clearly defined.

*Id.*, pp 55-56. In distinguishing between community colleges and “degree-granting institutions,” the Russell Report pointed to California as an example and described the missions of a university to be “(1) research, (2) advanced instruction, (3) professional training, and (4) various sorts of expert public service.” *Id.*, p 57. Universities, in view of the Russell Report, are the “citadel of learning.” *Id.*

Paring the mission of the community college back even further, the Russell Report described the following three specific purposes that community colleges serve: (1) providing courses for students who plan to go on to further collegiate study and baccalaureate degrees, (2) offering courses of a “terminal-occupational nature” for persons seeking employment in business, industry, or other fields immediately after completing community college, and (3) providing broad and flexible programs for continuing and adult education for the community. *Id.*, p 23 (noting that community colleges agree with the characterization of these purposes).

In other words, community colleges were designed to fulfill educational needs not served by high schools or universities, including (1) providing programs to prepare individuals for semi-professional or technician level jobs, (2) eliminating barriers of cost, distance, and social status to further education, (3) providing continuing education for out-of-school youth and adults, and (4) providing “an educational unit at the post-high school level which is virtually non-selective in its admissions practices but which, by virtue of the scope of its curriculum and its guidance and counseling services, channels on to advanced study at the upper division and graduate levels of the college or university only those individuals who are capable, qualified, and well motivated.” *Id.*, p 54.

Because of the distinct role community colleges play in Michigan’s education system, the Russell Report recommended that the State create the office of the Director of Community Colleges, which would be responsible for general statewide research and development activities pertaining to community colleges. *Id.* This recommendation would lead to much debate during the Constitutional Convention, as discussed below.

Finally, the Russell Report specifically recognized that some educational commentators argued that the mission of community colleges could be effectively rendered by a four-year degree-granting institution. *Id.*, p 125. The Russell Report disagreed with this premise. **“The experience to date of other States indicates that a more effective total plan for higher education results when the functions of a community college are distinguished from those of a baccalaureate degree-granting institution.”**<sup>4</sup> *Id.*, p 126 (emphasis added). To do so

---

<sup>4</sup> The Russell Report pointed to Flint College of the University of Michigan as an example of this division in roles. See Russell Report, p 126 (“[T]here is an operating policy of separating the functions of community colleges and institutions offering baccalaureate or higher degrees. This is seen in the actions that have been taken in setting up the Flint College of the University of Michigan and in the development of a community college program in the area

would help relieve a “public misimpression” that creates pressure on community colleges to become a 4-year, degree-granting institution. *Id.*, p 171. According to the Russell Report, attempting to become such an institution is “sometimes encouraged by members of the staff of a community college who are not inspired by the role of service attached to it and aspire, rather, for affiliation with an institution of presumably higher status and level of academic responsibility.” *Id.* (emphasis added). If a community develops the need for a 4-year, baccalaureate degree-granting institution in addition to a community college, then the need for such an institution should be considered on its own merits. *Id.*, p 172. The delegates and/or committees of the Constitutional Convention appeared to rely heavily on the Russell Report, which was cited frequently during the debates over the education provisions in the Michigan Constitution of 1963.

## II. THERE IS NO EVIDENCE THAT THE FRAMERS OF THE MICHIGAN CONSTITUTION OF 1963 ENVISIONED THAT COMMUNITY COLLEGES COULD GRANT BACCALAUREATE DEGREES.

The delegates of the Constitutional Convention created the current structure for the public education system in Michigan. On a large scale, Michigan’s education system is comprised of a K-12 system and a higher education system. At the Constitutional Convention, the public higher education system in Michigan was explicitly divided further into two distinct types of constitutional institutions—community colleges offering associate degrees and universities offering baccalaureate degrees. Although both community colleges and universities offer post-secondary education, the educational mission of each institution is different, as evidenced by the Constitutional Convention and the Michigan Constitution of 1963. Nowhere in the Constitutional Convention is there evidence that the framers envisioned that community colleges could grant baccalaureate degrees.<sup>5</sup> In fact, the stated mission of community colleges and the

---

where demands for advanced and professional study are being met by Wayne State University.”)

<sup>5</sup> The Constitutional Convention contains some discussion about the possibility of a community college transitioning to a baccalaureate degree granting institutions. See Record, p 1143 (noting that there may be times when a 2-year college could become a 4-year university). Although beyond the scope of this discussion paper, the legal process for creating an institution of higher education by law with authority to grant baccalaureate degrees must be consistent with the Michigan Constitution of 1963. The transition of a 2-year college to a 4-year institution of higher education with authority to grant baccalaureate degrees falls within the purview of Article VIII, § 6 of the Michigan Constitution of 1963. This section contains specific mandates concerning the legal structure of the university, the governing body (including the creation of an appointed governing board, the method for selecting the board, the length of the term in office for board members, the role and selection of a university president, etc.), and the grant of authority to the governing board of the general supervision of the institution including control and direction of all expenditures of the university’s funds. By contrast, the purpose for enactment of the Community College Act of 1966, as amended, is to implement Article VIII, § 7 of the Michigan Constitution of 1963. MCL 389.191. Consistent with Article VIII, § 7, the Community College Act of 1966 creates a different legal, governance, and operating structure for community colleges (e.g., community colleges have locally elected boards; community colleges also have the power to tax, etc.).

structural differences embedded in the Michigan Constitution of 1963 evidence the distinctness of the two institutions.

**A. Relevant Provisions of the Michigan Constitution of 1963.**

In developing the 1963 Constitution, the framers extensively debated the Education article, Article VIII, and other provisions related to education. The relevant provisions of Article VIII for purposes of this memorandum, in their final form, are as follows:

**§ 3 State board of education; duties.**

Leadership and general supervision over all public education, including adult education and instructional programs in state institutions, **except as to institutions of higher education granting baccalaureate degrees**, is vested in a state board of education. It shall serve as the general planning and coordinating body for all public education, **including higher education**, and shall advise the legislature as to the financial requirements in connection therewith.

The state board of education shall appoint a superintendent of public instruction whose term of office shall be determined by the board. He shall be the chairman of the board without the right to vote, and shall be responsible for the execution of its policies. He shall be the principal executive officer of a state department of education which shall have powers and duties provided by law.

The state board of education shall consist of eight members who shall be nominated by party conventions and elected at large for terms of eight years as prescribed by law. The governor shall fill any vacancy by appointment for the unexpired term. The governor shall be ex-officio a member of the state board of education without the right to vote.

**The power of the boards of institutions of higher education provided in this constitution to supervise their respective institutions and control and direct the expenditure of the institutions' funds shall not be limited by this section.**

Const 1963, art 8, § 3 (emphasis added).

**§ 4 Higher education institutions; appropriations, accounting, public sessions of boards.**

The legislature shall appropriate moneys to maintain the University of Michigan, Michigan State University, Wayne State University, Eastern Michigan University, Michigan College of Science and Technology, Central Michigan University, Northern Michigan University, Western Michigan University, Ferris Institute, Grand Valley State College, by

whatever names such institutions may hereafter be known, and other institutions of higher education established by law. The legislature shall be given an annual accounting of all income and expenditures by each of these educational institutions. Formal sessions of governing boards of such institutions shall be open to the public.

*Id.*, § 4.

**§ 5 University of Michigan, Michigan State University, Wayne State University; controlling boards.**

The regents of the University of Michigan and their successors in office shall constitute a body corporate known as the Regents of the University of Michigan; the trustees of Michigan State University and their successors in office shall constitute a body corporate known as the Board of Trustees of Michigan State University; the governors of Wayne State University and their successors in office shall constitute a body corporate known as the Board of Governors of Wayne State University. Each board shall have general supervision of its institution and the control and direction of all expenditures from the institution's funds. Each board shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution, be ex-officio a member of the board without the right to vote and preside at meetings of the board. The board of each institution shall consist of eight members who shall hold office for terms of eight years and who shall be elected as provided by law. The governor shall fill board vacancies by appointment. Each appointee shall hold office until a successor has been nominated and elected as provided by law.

*Id.*, § 5.

**§ 6 Other institutions of higher education, controlling boards.**

Other institutions of higher education established by law having authority to grant baccalaureate degrees shall each be governed by a board of control which shall be a body corporate. The board shall have general supervision of the institution and the control and direction of all expenditures from the institution's funds. It shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution and be ex-officio a member of the board without the right to vote. The board may elect one of its members or may designate the president, to preside at board meetings. Each board of control shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the governor by and with the advice and consent of the senate. Vacancies shall be filled in like manner.

*Id.*, § 6.

**§ 7 Community and junior colleges; state board, members, terms, vacancies.**

The legislature shall provide by law for the establishment and financial support of public community and junior colleges which shall be supervised and controlled by locally elected boards. The legislature shall provide by law for a state board for public community and junior colleges which shall advise the state board of education concerning general supervision and planning for such colleges and requests for annual appropriations for their support. The board shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the state board of education. Vacancies shall be filled in like manner. The superintendent of public instruction shall be ex-officio a member of this board without the right to vote.

*Id.*, § 7.

**B. The Framers of the Michigan Constitution of 1963 Intended For Community Colleges to Continue to Serve Their Unique Educational Mission, Which Did Not Include Granting Baccalaureate or Higher Degrees.**

In creating Michigan's educational system, the framers of the Michigan Constitution were particularly aware of the growing role of community colleges. Because prior versions of the Michigan Constitution did not mention or contemplate community colleges, there was extensive debate over Article VIII, § 7, which required the Legislature to provide by law for the establishment and financial support of public community colleges. The Michigan Constitution of 1963 establishes a different legal structure for universities and community colleges that is consistent with the educational mission of each respective institution. Indeed, it was the distinct educational mission that community colleges fulfilled in the Michigan education system that the framers sought to protect by keeping community colleges under local control and by creating a special advisory board dedicated to community colleges in Article VIII, § 7, as recommended by the Russell Report. In considering § 7, many delegates expressly referred to the Russell Report in their discussion, especially in debating the controversial advisory board created by § 7.

1. The educational mission of community colleges was community-centered.

As discussed at length in the Russell Report, see *supra*, the mission of community colleges was widely understood to consist of the following: (1) providing courses for students who plan to go on to further collegiate study and baccalaureate degrees, (2) offering courses of a "terminal-occupational nature" for persons seeking employment in business, industry, or other fields immediately after completing community college, and (3) providing broad and flexible programs for continuing and adult education for the community. Russell Report, p 23. This mission differed from that of the other two spheres of the Michigan educational system. In addressing § 7, Mr. Spittler, the delegate from Petoskey, Michigan, stated that:

The Russell report has been referred to here again and again, and the Russell report makes it very emphatic that, in the matter of community colleges, it is not an enlargement of the elementary and secondary schools over which the state board of education has control. It is not a bringing down of the higher education. It is a separate institution and it needs separate consideration.

Record, p 1178. Other delegates explicitly recognized the unique nature of community colleges.

Community colleges are not thirteenth and fourteenth grades. Many believe that they are, but they are not; although at times they do render that service. If there are some youngsters who need help, we are very happy to give them that assistance, because we do render service—the first 2 years of a 4 years curriculum. We do render service in terminal programs. We do give adult training programs, and we do assist the community in general.

Record, p 1179. The distinct mission of community colleges aligned with the lexicon associated with community colleges and the structure created within the state Constitution.

2. Community colleges were understood to be two-year institutions.

Like Grand Rapids Junior College in 1914, community colleges, at the time of the Constitutional Convention, consisted of two-year programs. In fact, the delegates of the Constitutional Convention often referred to community colleges as “2 year” colleges.

. . . I have found so many people have not understood just what a junior college, a community college is. **It is a 2 year college operated by a local board of education.**

Record, p 1172 (emphasis added).

[Offering technological training], of course, does not eliminate [a community college’s] other purposes: enabling a student who is qualified for 4 year college training but cannot afford the full 4 years away from home to get his first 2 years at less expense; for the student who is not qualified for a 4 year liberal arts education but who can profit by 2 more years of extension of his secondary education; for the student of a relatively high IQ who just has not matured through the high school years and who can, through 2 more years of college, finally pull himself up by his bootstraps and get his ultimate 4 years of education.

Record, p 1177 (emphasis added).

It seems to me that it is quite obvious that the most economical way to provide for the higher education of many of these youngsters is to place important reliance on the extension of our community college program.

It is much more economical to provide the **first 2 years** of college in community colleges than it is in the 4 year colleges and universities.

Record, p 1182 (emphasis added); see also Record, p 1179 (quoted *supra*). The fact that the delegates referred to community colleges in this manner illustrates that the framers understood community colleges to provide less than 4-year degrees.

3. Community colleges were to be governed by locally elected boards.

To support the mission of community colleges, the governance structure of community colleges was left under local control, as it had been historically. Thus, Article VIII, § 7 provided for community colleges to be governed by locally elected boards. This governance structure was meant to reflect the long-recognized purpose of community colleges and the importance of local control given the community-centered purpose of such institutions.<sup>6</sup> Record, pp 1178-79, 1181, 1191.

It seems to me that, first of all, our community college projects as we know them today are locally oriented institutions. They are supported locally, the same as our primary and secondary school systems.

Record, p 1181.

In response to concern by some delegates that an advisory board, discussed below, would infringe on the local control of community colleges, one delegate responded that it “certainly does not affect the local control of community colleges. **It leaves the operational control and the financing of the community colleges exactly where it has been in the past.**” Record, pp 1137, 1181 (emphasis added). Given the educational mission of community colleges, both the community colleges themselves and the delegates of the Constitutional Convention agreed that locally elected boards would best suit community colleges. See Record, p 2565 (noting that the community colleges specifically asked to have local control). Community colleges, however, still remained under the general supervision of the State Board of Education.

4. Community colleges were to be generally supervised by the State Board of Education.

As mentioned above, the Russell Report recommended that the State create an separate office or board that would be devoted to community colleges. This recommendation was the focus of extended debate. Ultimately, the delegates agreed to include in the Constitution an advisory board specifically related to community colleges. Delegate Kuhn stated that the community colleges came to them and asked for four specific things: (1) constitutional status, (2) state financial aid, (3) control by locally elected boards, and (4) a state board for community colleges. Record, p 2565. Article VIII, § 7 gave them all four items. As to the state advisory board, one delegate stated in support that:

---

<sup>6</sup> Community colleges expressed their desire for local control to lawmakers. See Record, p 2565.

[T]he institutions of higher learning have their boards of control and governing boards and they have their council of university presidents and governing boards and will be well represented before the board of education. Community colleges need an instrument of this character to make certain that their needs will be equally well presented and considered by the overall state board of education.

Record, p 2566. The advisory board was understood by the framers to be exactly that—an advisory board.<sup>7</sup> See *id.*, p 1182 (“It is going to be a board that simply will advise [the State Board of Education] on these various questions [related to community colleges].”). The State Board of Education still retained general supervision over community colleges. *Id.*, p 1191 (“[T]he board of education does have general supervision over the community colleges.”).

Indeed, the discussion of the role and authority of the State Board of Education over community colleges further illuminated the distinction in mission between community colleges and universities. Article VIII, § 3 created the State Board of Education. In its original introduced form, § 3 stated, in relevant part, that:

There shall be established a state board of education which shall provide leadership and supervision over public education **including adult education and instructional programs in state institutions other than colleges and universities. . . .**

Record, p 1188 (emphasis added). The fear by many delegates that the State Board of Education would have general supervision over universities as well as community colleges lead to changes in § 3. The first of which stated as follows:

General supervision over all public education including adult education and instructional programs in state institutions, **except as to institutions of higher education, is vested in a state board of education.**

Record, p 2573. The reason behind this change was explained by one delegate:

With respect to the [first amendment], the reason the committee on education felt this desirable was because there are institutions of higher education that do not grant degrees, and we desired to specify the exemption in this particular case of supervision on the part of the board of education only with respect to the institutions of higher education that do actually grant degrees.

Record, p 2573. The second amendment to Article VIII, § 3 was made by the committee on style and drafting and made clear that the exemption applied only to *baccalaureate* degree granting

---

<sup>7</sup> The Legislature created the State Board for Public Community Colleges and Junior Colleges in 1964 to advise the state board of education at least once per year. See MCL 390.911 to 390.916.

institutions.<sup>8</sup> Record, p 3065. Thus, the final language of § 3 makes clear that the State Board of Education has general supervision authority over community colleges but not universities. It reads as follows:

Leadership and general supervision over all public education, including adult education and instructional programs in state institutions, **except as to institutions of higher education granting baccalaureate degrees**, is vested in a state board of education.

Const 1963, art 8, §3 (emphasis added).

In an effort to clarify the provision, one delegate explained that “the board does have general supervision over community colleges. It does not insofar as state matters are concerned except to the extent that the direct operating control is with the local board. Now, in the case of the universities, the state board of education does not have general supervision[.]” Record, p 1191.

Nowhere in the record of the Constitutional Convention is there any evidence that the framers intended community colleges to have the authority to grant 4-year baccalaureate degrees. In fact, the stated mission of community colleges, the words used to describe community colleges, and the structure created in the Michigan Constitution of 1963 all express otherwise. Comparing the delegates’ description of universities and their authority and structure only supports such a conclusion.

**C. To Express the Different Missions of Community Colleges and Universities, the Framers Structured Community Colleges Differently Than Universities.**

The first and most obvious distinction made between community colleges and universities during the Constitutional Convention was the words chosen to describe the two institutions. As evidenced above, community colleges were often referred to as “2-year” colleges. Universities, on the other hand, were often referred to as “4-year” institutions. See, e.g., Record, pp 1143, 1177 (“4 year liberal arts education”), 1179 (“4 year schools”, “4 year institutions”), 1182 (“4 year colleges and universities”), and 1190 (“4 year colleges”). The use of this description is nearly always used when the delegates were directly comparing community colleges and universities.

Article VIII, §§ 4, 5, and 6 set forth the governing structure and constitutional status of universities, which are baccalaureate degree granting institutions of higher education. These state institutions are constitutionally autonomous with three governed by elected boards (University of Michigan, Michigan State University and Wayne State University) and the remainder governed by boards of control appointed by the Governor. Each university governing board (whether elected or appointed) is given “general supervision of its institution and the control and direction of all expenditures from the institution’s funds.” Const 1963, art 8, §§ 5,

---

<sup>8</sup> Examination of the committee records for style and drafting did not reveal any analysis on this change.

6.<sup>9</sup> The Constitution expressly excludes universities, as institutions of higher education granting baccalaureate degrees, from the State Board of Education's power to provide leadership and general supervision. See discussion *supra*. Maintaining the universities' constitutional independence was of the utmost importance to the framers. In fact, the delegates debated the role of the Legislature in being able to prescribe duties of the universities as well as the role of the state board of education over universities. Record, pp 1178-88. In the end, the framers adopted provisions that maintained the independence of universities.

Shortly after the Constitutional Convention, but prior to the enactment of the Community College Act of 1966, as state government was focused on implementing a new Constitution, the Citizens Committee on Higher Education produced a report on higher education and included a part on community colleges. See Report of Citizens Committee on Higher Education (March 1965). In the Report, the Committee recognized that the **"philosophies and the functions of the community college and the four-year baccalaureate institution are so different, neither institution can fill the role of the other."** Report, p I-C-6 (emphasis added). The Committee stated that:

It follows logically, and it can be observed empirically, that the community college cannot evolve into a four-year baccalaureate institution without giving up its student and community service orientation and becoming solely academically oriented instead. That is what it means to become a baccalaureate institution. The community college, therefore, should never be expanded into a four-year institution.

Report, p I-C-7.

### III. THE LEGISLATURE'S IMPLEMENTATION OF THE MICHIGAN CONSTITUTIONAL FRAMEWORK FOR COMMUNITY COLLEGES REINFORCES THE DIFFERENT MISSION OF COMMUNITY COLLEGES.

The Legislature in 1964 amended Public Act 188 of 1955 and specifically amended the definition of community college so that the definition was no longer tied to a length of time (i.e., less than two years) and instead was tied to the level of the degree awarded (i.e., associate degrees, not baccalaureate or higher degrees). See Public Act 237 of 1964. The same definition of community college used in 1964 was used in 1966 when the Legislature enacted the Community College Act of 1966:

an educational institution providing primarily for all persons above the twelfth grade age level and primarily for those within commuting distance, collegiate and noncollegiate level education including area vocational technical education programs which may result in the granting of diplomas and certificates including those known as associate degrees but not including baccalaureate or higher degrees.

---

<sup>9</sup> Each university governing board is required to give the Legislature "an annual accounting of all income and expenditures" of their respective institutions. Const 1963, art 8, § 4.

See former MCL 389.105 (emphasis added).<sup>10</sup> When the Legislature changed the definition of community college in 1964, Representative O'Brien protested the definition and expressed his opinion that this definition destroyed the concept of community colleges by making them vocational training centers. See House Journal, p 965 (March 26, 1964).

The Legislature revised the definition of community college in Public Act 306 of 2003 as follows:

an educational institution providing collegiate and noncollegiate level education primarily to individuals above the twelfth grade age level within commuting distance. The term includes an area vocational-technical education program that may result in the granting of an associate degree or other diploma or certificate, **but not an educational institution or program granting baccalaureate or higher degrees.**

MCL 389.105(c) (emphasis added). This definition remains today.

In addition to the constitutional differences between community colleges and universities highlighted above, Michigan statutes codified these distinctions and highlighted the difference between the two types of institutions.

It is declared to be the policy of the state to further the development of approved junior and community colleges to supplement existing state supported colleges and universities in providing educational programs and facilities for the **first 2 years of college study.**

MCL 390.901.

Act 331 of 1966 sets forth the creation of community colleges in Michigan. Community college districts may be formed under certain circumstances. See MCL 389.11 (Community College District Comprised of Counties), MCL 389.31 (Community College District Comprised of School Districts), MCL 389.51 (Community College Districts Comprised of Intermediate School Districts), MCL 389.71 (Establishment of District by Petition), 389.81 (Intermediate School Districts of More Than 1,000,000). As mentioned above, "community college" is specifically defined in the Community College Act of 1966 as "an educational institution . . . **but not an educational institution or program granting baccalaureate or higher degrees.**" MCL 389.105(c) (emphasis added).

Community colleges are governed by a local board of trustees comprised of electors residing within the community college district. MCL 389.151. The board of trustees of a community college have general powers to operate a community college, including the ability to levy taxes within the rate authorized by law. MCL 389.144.

---

<sup>10</sup> The definition of "community college" in 1964 and 1966 also included definitions for "area vocational programs" and "area." See former MSA 15.615 and former MCL 389.105.

## CONCLUSION

Michigan's educational system consists of three different spheres that serve distinct missions: (1) elementary and secondary public schools; (2) community and junior colleges; and (3) state public universities. In creating the framework for Michigan's educational system in the Michigan Constitution of 1963, the delegates of the Constitutional Convention debated and created separate structures for each sphere. In so doing, there is no evidence that the framers of the Michigan Constitution of 1963 envisioned that a 4-year baccalaureate degree could be granted by both state public universities and community colleges. In fact, the Constitutional Convention and the final framework created by the Michigan Constitution of 1963 evidence the opposite. Historically, the educational mission of community colleges and universities were very different—community colleges (2-year institutions) serve the unique educational needs of the communities in which they are geographically located while universities granting baccalaureate degrees (4-year institutions) are academic institutions of higher learning. The distinctions between community colleges and universities are embedded in our state Constitution and implemented by Michigan statute. Authorizing a community college to grant baccalaureate degrees would be in contravention of the intended mission and structure of such institutions as set forth by the framers of the Michigan Constitution of 1963.

