



Minutes of 16 February 2015 Senate Assembly Meeting
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THE UNIVERSITY OF MICHIGAN
UNIVERSITY SENATE MEETING
SENATE ASSEMBLY MEETING
16 FEBRUARY 2015

Present: Adunbi, Adler, Adlerstein Gonzalez, Battacharrya, Biteen, Broglio, Casida, Cervetti, Custer, Dolins, Fiore, Fraser, Friesen, Garcia, Gocek, Hayes, Holland, Jones, Kilney, Kuperschmid, Lavoie Smith, Lehman, Lim, Liu, Malek, Masten, Mondro, Oey, Rothman, Schloss, Silveira, Swain, Turnley, Wang, Young, Ziff

Alternate Requested: Cohn, Danzinger, Ellis, Fagerlin, Jacobson, Krishner, Johnson, Veatch

Alternates: Myers (Krishner), Lehnert (Veatch)

Absent: Atchade, Baker, Beck, Barolo, Bertacco, Bradley Brown, Burrow, Campbell, Chen, Cotera, Grosh, Katapodi, Kee, Keshamouni, Mitchell, Nielsen, Pandey, Primus, Princen, Raphael, Ro, Ryan, Shaefer, Schultz, Smith, Weineck, Winful, Veatch, Zeisberg

MATERIALS DISTRIBUTED

1. Agenda for Senate Assembly
2. Draft Minutes of the 26 January 2015 Senate Assembly meeting
3. Resolution on the Structure of Senate Assembly Committees, introduced by SACUA
4. Sense of the Assembly Discussion of Criteria for Termination, Demotion, and Other Major Sanctions for Tenured Faculty, February 16, 2015

SENATE ASSEMBLY

Chair Masten convened the meeting of the Senate Assembly at 3:18 P.M. The proposed agenda was approved.

MINUTES

The draft minutes of 26 January 2015 were approved.

ANNOUNCEMENTS

1. The next meeting of the Senate Assembly is scheduled for 16 March 2015. The University Senate will meet as well. Agenda topics will include election of SACUA members, election of the University Secretary, a SACUA Report on the Office of Institutional Equity procedures, Fitness for Duty and Professional Standards for Faculty SPGs, and Senate Rules amendments.
2. SACUA has provided a confidential report on the Office of Institutional Equity to the president and the provost.

3. Assembly members from LSA are encouraged to attend the meeting of the LSA faculty on Monday 23 February at 4 P.M. in Angell Hall where revision of the LSA faculty grievance policy will be discussed and possibly voted.

SENATE ASSEMBLY COMMITTEE RESTRUCTURING PROPOSALS

Chair Masten reviewed the activities and report of the ad hoc Committee on Committees (distributed item 3). Because the motion was placed on the floor by SACUA, it became an Active Motion.

Discussion- The proposal that engendered the most response was proposal 1 (distributed item 3), a proposal to merge the advisory committees for vice presidents Development, Government Relations, and Communications into a single committee titled the Communications & External Relations Advisory Committee. Detriments cited included increased workloads for committee members; advantages included an opportunity to enable coordination among the offices of vice president.

Derivative Motion- The Assembly voted to separate proposal 1 from the rest of the proposals by vote of 20 approving, 10 disapproving, and 2 abstentions of record.

Chair Masten directed the Assembly's deliberation to the remaining proposals (2 to 9) that remained in the original Active Motion. Professor Oey offered a friendly amendment to proposal 3 stipulating that the Senate Secretary would not be responsible for the expanded role of the Rules Committee, extending its purview to review and oversight of Standard Practice Guide policies.

ACTION OF SENATE ASSEMBLY 021615-1

Resolution on the Structure of Senate Assembly Committees

Pursuant to the authority of the Senate Assembly to establish standing committees and to define their duties and obligations under Regents Bylaw 4.06 and Article II, Section 4, Paragraph 3 of the Rules of the University Senate, the Senate Assembly and the Senate Advisory Committee on University Affairs, the Senate Assembly hereby enacts the following changes to the standing committees of the Assembly, effective September 1, 2015, and authorizes the Senate Advisory Committee on University Affairs to propose new or modified committee charges as necessary to effect such changes for consideration and approval of the Senate Assembly at its September, 2015, meeting:

1. Eliminate the Provost's Advisory Committee on Budgetary Affairs (PACBA) and the Budget Study Committee (inactive) and expand the charge of the Committee on the Economic Status of the Faculty (CESF) to include advising the Assembly on budgetary issues.
2. Eliminate the Faculty Perspectives Editorial Board (FPEB) and expand the charge of the University Secretary Advisory Committee, acting without the



Secretary of the University, to receive and review submissions for the University Record Faculty Perspectives page.

3. Eliminate the University Undergraduate Scholarship Committee (UUSC) and expand the charge of the Committee for an Inclusive University to include the solicitation of donations and the award of need-based support to outstanding U-M applicants (from all three campuses).
4. Eliminate the Committee on University Values.
5. Change the name of the Committee on Civil Liberties (CCL) to the Committee on Civil Rights and Liberties (CCRL) and expand its charge to include advising the Assembly on civil rights as well as civil liberties.
6. Change the name of the Rules Committee to the Rules, Practices, and Policies Committee (RPP) and expand its charge to include advising the Assembly on formal policies and procedures of the University that affect faculty.
7. Establish an Information Technology Committee (ITC).
8. Establish a Building, Facilities, and Infrastructure Committee (BFIC).

Vote on the Active Motion:

Number approving- 36

Number disapproving- none

Abstentions of record- none

Chair Masten declared the vote to be unanimous.

Assembly members next expressed readiness to vote on separated proposal 1. Professor Oey suggested that the proposal be amended to explicitly identify the three vice presidents that would be involved. Professor Oey’s clarification was accepted without objection from the floor.

ACTION OF SENATE ASSEMBLY 021615-2

On a motion from the floor, the Assembly took up the following motion:

Pursuant to the authority of the Senate Assembly to establish standing committees and to define their duties and obligations under Regents Bylaw 4.06 and Article II, Section 4, Paragraph 3 of the Rules of the University Senate, the Senate Assembly and the Senate Advisory Committee on University Affairs, the Senate Assembly hereby enacts the following change to the standing committees of the Assembly, effective September 1, 2015, and authorizes the Senate Advisory Committee on University Affairs to propose new or modified committee charges as necessary to

effect such changes for consideration and approval of the Senate Assembly at its September, 2015, meeting:

Eliminate the Communications Advisory Committee (CAC), the Development Advisory Committee (DAC), and the Government Relations Advisory Committee (GRAC) and create a Communications & External Relations Advisory Committee (CERAC) with responsibility for advising the Vice President for Communications, the Vice President for Development, and the Vice President for Government Relations.

Vote on the Active Motion:

A majority having voted in favor of the motion, the resolution was adopted.

SENSE OF THE ASSEMBLY DISCUSSION OF CRITERIA FOR TERMINATION, DEMOTION, AND OTHER MAJOR SANCTIONS FOR TENURED FACULTY

At 4:00 P.M. Chair Masten opened the floor for a Committee of the Whole discussion about criteria for termination, demotion, and other sanctions applicable to tenured faculty.

The chair pointed out that Regental Bylaw 5.09 defines good cause for dismissal or demotion to be a cause “accepted by University usage, properly connected with the improvement and efficiency of the faculty.” The statement, “Toward a Definition of Tenure,” endorsed unanimously by the University of Michigan Senate Assembly, 12 December 1994 identified misconduct and gross incompetence as valid grounds. In contrast, the UM Faculty Handbook issued by the administration in section 6.L (1998) defines Termination for Cause as “[failure] to maintain high standards of teaching, scholarship, research, service, and professional conduct.”

A member of the Assembly asked if the Faculty Handbook represents a contract. The chair responded that he did not know. Another member asked how common these issues arise and what was motivating the administration to propose a policy. The chair replied that terminations under Bylaw 5.09 have been infrequent, but the issue has arisen again because of the recently instituted Professional Standards for Faculty SPG, a proposed Fitness for Duty SPG specific to faculty, and because of a recent case of the University reducing the salary of a tenured professor. Another member asked if the AAUP or AAC had made new recommendations regarding tenure since the 1993 statement of the Commission on Academic Tenure in Higher Education. Chair Masten was unaware whether these groups had revised their earlier statements.

The chair pointed out that the 1994 policy statement by the Senate Assembly declares that faculty cannot have their salary reduced without the due process protections of RB 5.09. This was in reaction to an opinion from the Office of General Counsel in 1993 that salary can be reduced by 10 percent in any one year or by 20 percent over a four year period. To date, the University has not confirmed whether this is current University policy. It has been reported to SACUA, however, that some deans have been told that they can reduce faculty salaries by 10 percent if they want to.

Assembly members expressed concern that such salary reductions were not tied to bona fide financial exigencies. It also appears that sexual misconduct is subsumed under the heading of misconduct broadly. Additional concerns were expressed about the vagueness of process, suggesting that this would be used to abuse faculty in the absence of due process.

Chair Masten pointed out that the current Fitness for Duty SPG 201.15 defines fitness for duty as an employee being physically and mentally capable of safely performing the essential functions of his or her job. In contrast, the proposed Fitness for Duty SPG eliminates the references to physical and mental capabilities and to safety, raising the possibility that the policy could be applied to judgments of fitness unrelated to medical conditions.

Assembly members stated that a distinction should be drawn between temporary and permanent incapacitation, because a temporary condition could be treatable. They also asked if faculty peer review was part of current procedure. Chair Masten responded that the proposed SPG does not provide for peer review and that the grievance procedures' exclusion of decisions based on "judgments about professional performance" would likely prevent using the grievance process to challenge dean decisions under the proposed SPG. He said that there may be faculty who are not performing well, but that procedures for dismissal or demotion must not be arbitrary or capricious.

Dr. Fraser stated that currently any administrator can request an evaluation by Human Resources of anyone. He said that extra protection is afforded them because the Office of Institutional Equity is involved. Chair Masten noted that, based on a its report on the Office of Institutional Equity, which had been submitted to the executive officers the previous week and will be distributed to the Assembly for its March meeting (see announcement 2), SACUA has less confidence in the value of OIE's role in this process, but that this would be a subject at the March Assembly meeting.

PROVOST'S VISIT FOLLOW-UP DISCUSSION

This agenda topic was postponed owing to lack of time.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

There was no new business.

The meeting was adjourned at 5:02 P.M.

Respectfully submitted

John T. Lehman and Robert Ziff
Senate Secretaries Pro Tempore



University of Michigan Bylaws of the Board of Regents, Sec. 4.01:

The University Senate

The senate is authorized to consider any subject pertaining to the interests of the university, and to make recommendations to the Board of Regents in regard thereto. Decisions of the University Senate with respect to matters within its jurisdiction shall constitute the binding action of the university faculties.

University of Michigan Bylaws of the Board of Regents, Sec. 4.04:

The Senate Assembly

The Senate Assembly shall serve as the legislative arm of the senate.

The assembly shall have power to consider and advise regarding all matters within the jurisdiction of the University Senate which affect the functioning of the university as an institution of higher learning, which concern its obligations to the state and to the community at large, and which relate to its internal organization insofar as such matters of internal organization involve general questions of educational policy.

Rules of the University Senate, the Senate Assembly and the Senate Advisory Committee on University Affairs: In all cases not covered by rules adopted by the Senate, the procedure in Robert's Rules of Order shall be followed.