

Minutes of 16 March 2015 Senate Assembly Meeting
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THE UNIVERSITY OF MICHIGAN
UNIVERSITY SENATE MEETING
SENATE ASSEMBLY MEETING
16 MARCH 2015

Present: Adlerstein Gonzalez, Battacharrya, Baker, Beck, Bertacco, Biteen, Bradley, Casida, Chen, Cervetti, Cohn, Custer, Dolins, Fiore, Friesen, Garcia, Hayes, Holland, Jones, Johnson, Keshamouni, Kilney, Kuperschmid, Lehman, Lim, Liu, Malek, Masten, Mondro, Oey, Raphael, Rothman, Schloss, Smith, Swain, Turnley, Wang, Weineck, Young, Zeisberg, Ziff

Alternate Requested: Campbell, Danzinger, Ellis, Fraser, Jacobson, Krishner, Lavoie Smith, Veatch

Alternates: Hopkins (Krishner), Lehnert (Veatch), Prygoski (Ellis), Csankovszki (Campbell)

Absent: Adunbi, Adler, Atchade, Barolo, Broglio, Brown, Burrow, Cotera, Danziger, Gocek, Grosh, Kee, Mitchell, Nielsen, Pandey, Primus, Princen, Ro, Ryan, Shaefer, Schultz, Silveira, Winful, Veatch

MATERIALS DISTRIBUTED

1. Agenda for University Senate and Senate Assembly
2. Draft Minutes of the 16 February 2015 Senate Assembly meeting
3. Candidates' statements for election to Senate Secretary and SACUA
4. Summary from the SACUA Report on Office of Institutional Equity Procedures and Conduct, dated 9 March 2015

UNIVERSITY SENATE

Chair Masten convened the meeting of the University Senate at 3:17 P.M. and immediately suspended it pending arrival of a quorum.

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 16 February 2015 were approved.

ANNOUNCEMENTS

1. A newsletter has been distributed to all University Senate members from the Faculty Senate Office.
2. The next meeting of the Senate Assembly is scheduled for 20 April 2015.
3. LSA faculty approved revision of the LSA faculty grievance policy to bring it into conformity with the University-wide model.

SACUA ELECTION

Chair Masten called for nominations from the floor. None were made. The Assembly voted to close nominations at 3:25 P.M. The chair then invited each candidate to address the Assembly. Their remarks concluded at 3:35 P.M.

Senate Office staff distributed ballots and Assembly members marked them. Professors Jones and Potter served as Tellers. The tellers reported their tally of the ballot count to Chair Masten. The Chair announced results to the Assembly. Vote totals were:

Professor Wright	36
Professor Fagerlin	33
Professor Richstone	23
Professor Szymanski	19
Professor Silveira	8

The Chair declared that Professors David Wright, Angela Fagerlin, and Douglas Richstone were elected to SACUA for a three year term commencing on 1 May 2015.

SACUA REPORT ON OFFICE OF INSTITUTIONAL EQUITY PROCEDURES AND CONDUCT

1. Chair Masten invited Professor Lehman to provide the Assembly with a brief synopsis of the report. Professor Lehman said that the Faculty Hearing Committee (FHC: Professors Holland, Lehman, and Mondro) had been charged by SACUA to hear complaints from three faculty members. Although the complainants were interviewed independently and none knew about the others, the complaints were nearly identical. Each one reported that they were never given notice of charges against them with enough particularity to assemble a response and they were unable to correct erroneous facts in the final report, which was not subject to an appeal. The FHC delivered its report to SACUA in December 2014 and SACUA formally accepted the report on 22 December 2014. Thereafter, SACUA prepared a second, more comprehensive report, of which a public version was released to the Senate Assembly on 9 March 2015.
2. Professors Lehman and Masten met with President Schlissel about the OIE report on 11 March 2015. The president expressed “broad agreement” with many of the report recommendations including due process guarantees and appeal procedures. Programmatically, SACUA expects to work closely with the Office of the Provost to effect necessary reform, and is awaiting a detailed response from that office within a week or so.

3. Chair Masten next called on Laura Friesen from UM-Flint who read a statement prepared by the UM- Flint Faculty Council.

UM-Flint Faculty's concerns about the Title IX process:

The investigative process is not congruent with what is understood to be "due process." Due process would allow the respondent to know the specifics of the complaint brought against him/her to OIE (i.e., the date/dates of the complaint, the identity of the complainant, etc.) The University of Michigan Regents By-Laws endorse the American Association of University Professors' Policy Documents and Reports, including its definition of due process. So, why is due process absent from this particular investigative process?

A "committee of one's peers" is absent in the current process – why has the process neglected to include a faculty review of the charges and a faculty hearing of record?

Why does the current process provide no assurance that a faculty member may appeal through the appropriate campus's faculty grievance process.

4. Ms. Friesen added that based on a long discussion she had with one faculty member who endured one of these complaints that the process also seemed to lack critical thinking, in that the complaint was actually a grade dispute and could have been handled with the process in place for resolving grade disputes on her campus.

5. Professor Weineck pointed out that *The Chronicle of Higher Education* has already made mention of SACUA's OIE report, and has provided a hyperlink to the public report itself.

6. Professor Garcia said that he had personal knowledge of a case and that the SACUA's description of OIE practices appeared to be closely paralleled in that case. He expressed alarm about lack of due process. Ms. Friesen said that the existing process exacts a heavy personal toll, and that of three faculty at UM-Flint known to have endured the process, two of them left the school.

7. Professor Ted Williams (UM-Flint) said that he had personal experience with the OIE process and that he brought his concerns to the Faculty Council at Flint. He said the SACUA report was 'spot-on.'

8. Chair Masten pointed out that the cases reviewed by the FHC were recent, all within the past 5 years or less.

STATUS REPORT ON THE UNIVERSITY'S PROPOSED SPG ON TEMPORARY REMOVAL OF FACULTY FOR LACK OF FITNESS FOR DUTY

9. Chair Masten reported that SACUA has transmitted an additional memorandum to the provost articulating its remaining concerns about the proposed policy:

1. Fitness definition- limitation to medical conditions
2. Mandatory versus voluntary process
3. Dean authority and determination process
4. Continuation of compensation
5. Coverage until retirement

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

There was no new business.

The meeting was adjourned at 4:24 P.M. The University Senate failed to attain a quorum.

Respectfully submitted

John T. Lehman
Senate Secretary 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.