

Minutes 30 October 2017  
Circulated 3 November 2017  
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THE UNIVERSITY OF MICHIGAN  
Senate Advisory Committee on University Affairs (SACUA)  
Monday, October 30, 2017 3:15 pm  
Fleming Building, Regents' Room

Present: Atzmon, Beatty, Carlos, Ortega (chair), Malek, Marsh, Schultz, Szymanski, Wright;  
Potter, Schneider, Snyder

Absent: none

Guests: Members of the Press

3:22 Call to Order/Approval of Minutes

The agenda was accepted, the minutes for October 9 were accepted.

3:26: Announcements

- October 17 Private Meeting with the President  
Chair Ortega and Professor Malek discussed their meeting with President Schlissel, saying they had discussed ways to increase the influence of Faculty Governance and that President Schlissel agreed that this would be desirable.

Professor Malek indicated the questions “what [faculty governance] is doing and where is it going” are areas of concern with the Medical Center, that the expansion of the Medical Center raised concerns about the balance between its clinical and academic missions. President Schlissel agreed that growing academic quality is significant and pointed to the appointment new chief science officer.

President Schlissel said he wanted help from the faculty in dealing with racial tension on campus, asking whether expressions of commitment to a positive learning environment should be included in syllabi. Chair Ortega asked how this should be presented in a classroom setting, inquiring if a statement in syllabi about tolerance and inclusion should emphasize the importance of experiencing diversity as part of the learning process. President Schlissel would like proactive engagement with this issue on the part of SACUA.

Professor Potter said that Student Relations Advisory Committee (SRAC) and Central Student Government (CSG) are working together on a statement and he believed that a joint faculty/student statement would have the greatest impact. He is meeting with CSG president on the morning of October 31, Chair Ortega is meeting with the CSG chair on November 3, noting that CSG has sent him a draft resolution. At the end of the meeting Chair Ortega said he would join the meeting between the CSG president and Professor Potter on the 31<sup>st</sup>.

Professors Szymanski and Schultz discussed models for faculty engagement in discussions about campus climate. Chair Ortega liked the idea of gathering the research on the topic, as Professors Szymanski suggested.

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Professor Malek observed that it is important to improve the way that SACUA gathers opinions from faculty.

Chair Ortega noted that the University Diversity, Equity and Inclusion (DEI) survey has not been released; Professors Wright and Malek pointed out that the format made it appear to be a more general climate survey than one that was specifically about DEI. The survey will be released later this week.

- October 17 Private Meeting with the Provost  
Chair Ortega said that he had put a question from Professor Atzmon about the selection process connected with the Presidential Postdoctoral Fellows Program (<http://presidentspostdoc.umich.edu/about.php>). His question concerned the process by which a person could move from a Postdoctoral position to a Tenure Track position. Provost Philbert said no one should be hired into a faculty position without deliberate review, he allowed that there might have been a single anomaly and is continuing to investigate (and was surprised that a person hired through the Presidential Postdoctoral Program could hold the rank of Assistant Professor if there had not been a further search process).

Chair Ortega raised the issue of lack of clarity in the role of the Ombuds, and the way people are brought into the position. He indicated that there was also need for training of people who were taking up the role of Faculty Grievance Monitor (FGM) and of training for faculty on Faculty Grievance Hearing Panels (FGHP) ([https://www.provost.umich.edu/faculty/fac\\_grievance\\_proc\\_sept\\_2010.pdf](https://www.provost.umich.edu/faculty/fac_grievance_proc_sept_2010.pdf)), as well as expectations of new Senate Assembly members. He raised the possibility of developing web-based programs to educate people in these roles, which would require an increase in SACUA budget. Provost Philbert responded that SACUA will be treated like other units asking for new money. The Provost asked about linking SACUA with Development. Professor Marsh agreed that SACUA did not communicate effectively with the faculty as a whole. He suggested that a person be hired to take responsibility for communication given that the current SACUA staff are fully employed.

Chair Ortega discussed the proposed visiting professorship on Academic Freedom. Provost Philbert said the professorship would require an endowment of \$1.5 million. Professors Marsh and Malek discussed different models for such a position ranging from a position filled by a visitor for a whole year, which appeared to be the model Provost Philbert was alluding to. Another, less costly, model would be to have a Visiting Professor on campus for a shorter period of time.

### 3:35 Guest: Professor Lehman (chair, Tenure Committee)

Professor Lehman discussed the work of the Tenure Committee which had no continuing business from the 2016/17 academic year because the committee had not met in that year. There have been 3 committee meetings this year. The first explored the committee's potential responsibilities under Regents' ByLaw 5.09, the other two were concerned with grievance procedures. Professor Staller had discussed her experience as FGM with the committee, which also developed a questionnaire that was sent to current and immediately past Ombuds, to which 14 have responded (a 15<sup>th</sup> will be interviewed by phone). Given that there are 36 immediately past and present unit Ombuds, this represents a 42% response rate. It was clear from the responses that the experiences of Ombuds varied widely from unit to unit. Training for Ombuds has varied with some receiving training from the Provost's office while others received training

from Professor Giordani. The committee has still to meet with Professor Giordani (<http://facultyombuds.umich.edu/>).

Professor Lehman said that many Ombuds complain that they are not visible within their units.

Chair Ortega brought up his discussions with Provost Philbert about training for Ombuds and educating people about the role of the Ombuds.

Professor Lehman said that an exchange of information would be useful, and stressed his preference for peer training rather than training provided by non-faculty from the provost's office.

Professor Schultz suggested that a statement about best practices could be developed, noting that there was disagreement on this subject. Professor Schultz reports that Professor Giordani, for instance, viewed the filing of a grievance as an indication of failure on the part of an Ombuds, while Professor Schultz feels that if a settlement cannot be reached through mediation, an Ombuds should be willing to encourage faculty to go through a formal grievance process.

Professor Lehman noted that continued use of Ombuds is not ruled out when a grievance filed.

Professor Wright asked how a person is trained to be a professional Ombuds. Professor Potter said that the International Ombudsman Association has a certification process (<https://www.ombudsassociation.org/home.aspx>). Professor Wright asked if Professor Giordani could train other Ombuds.

Professor Lehman expressed the hope that his committee will look to establish best practices.

Professor Marsh asked how the Ombuds position came to be established. Professor Lehman, said it was the result of discussion between SACUA and the Provost's office, and that the creation of unit Ombuds emerged from the process of setting up the central Ombuds and did not involve the development of a uniform selection process for unit Ombuds. Some are appointed, others are elected (see <http://facultyombuds.umich.edu/unit-ombuds/> for current unit Ombuds). Professor Lehman added that recent unit Ombuds had not received training from the provost's office.

Chair Ortega said he hoped to develop a manual for Faculty Grievance Monitors (FGMS) as well as for all Ombuds.

Professor Schultz asked about advocacy and the role of the FGM, noting that there is a sense that when a person filing a grievance goes into a formal hearing, the cards are stacked against him/her. He asked how a faculty member could bring in an advocate (see also <http://spg.umich.edu/policy/201.08>).

Professor Lehman said that for informal dispute resolution, a mediator must listen to both sides, and that if Academic Human Resources feels that a mediator is not impartial, it will undermine that mediator. The purpose of the FGM is not to be an advocate, but to provide educational resources to a grievant, which may include helping a grievant frame a complaint. Such assistance in helping a person articulate his/her case is not advocacy. Professor Szymanski observed that the FGM often advises faculty members filing grievances to get a lawyer, and suggested that SACUA might provide help for faculty seeking legal advice.

Professor Schultz noted that when a grievant hires a lawyer the Office of the General Counsel becomes involved in defending the case. Professor Lehman pointed out that lawyers are not allowed to speak at grievance hearings, and that grievance cases concerned with manifest unfairness are not necessarily about blatant violations of the law.

4:20 Executive Session

[Davis Markert Nickerson Academic Freedom Lecture Update]

[Senate Assembly Apology Resolution and Honorary Degree]  
[FGM Role]  
[Tri-Campus Task Force]

5:12 Adjournment

Respectfully submitted,  
David S. Potter  
Senate Secretary

University of Michigan Bylaws of the Board of Regents, Sec. 5.02:  
Governing Bodies in Schools and Colleges  
Sec. 4.01 The University Senate

"...[t]he 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. Jurisdiction over academic polices shall reside in the faculties of the various schools and colleges, but insofar as actions by the several faculties affect university policy as a whole, or schools and colleges other than the one in which they originate, they shall be brought before the University Senate."

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

Assembly: "The Assembly may adopt rules for the transaction of its business. In appropriate cases not covered by rules of the Assembly, the rules of the University Senate shall apply."

SACUA: "The committee may adopt rules for the transaction of its business."