

Minutes of 9 January 2017  
Circulated 30 January 2017  
Recirculated 6 February  
Approved 6 February 2017

THE UNIVERSITY OF MICHIGAN  
Senate Advisory Committee on University Affairs (SACUA)  
Wednesday, January 9, 2016 3:15 pm  
Room 3019, Fleming Building

Present: Atzmon, Lehman, Ortega Schultz (chair), Smith, Szymanski (by Skype), Weineck (by Skype),  
Wright: Potter, Schnieder, Snyder

Absent: Carlos

Guests: members of the press

3:15 Call to Order/Approval of Agenda and Minutes

The Minutes for December 14 will be discussed at the meeting of January 23.

3:18 The agenda was approved

3:20 Announcements

There will be no meeting on January 16<sup>th</sup> (Martin Luther King Day)  
The SACUA Replacement vote is on hold given the willingness of Professors of Szymanski and Weineck to participate by Skype as both remain on SACUA.

3:35 Academic Affairs Advisory Committee (AAAC) Resolution

The text of the resolution that Professor Lehman will present to the Senate Assembly on behalf of the AAAC is:

Although Regents' Bylaw 5.09 specifies the due process procedures for dismissal or demotion, it does not define demotion. The AAAC has learned that so far three schools have acted to reduce individual faculty base academic salaries by 10% or less with the assertion that the administrative action does not constitute a demotion. The AAAC recommends that the Senate Assembly adopt the following statement:

The Senate Assembly, in its capacity as the legislative arm of the University Senate (University of Michigan Bylaws of the Board of Regents, Sec. 4.04), hereby declares that any reduction to an individual faculty member's base academic salary constitutes a demotion and entitles the affected faculty members to all of the due process provisions of Regental Bylaw 5.09. Approved by AAAC (9 December 2016).

Professor Lehman discussed the AAAC resolution, pointing out that as a resolution by a Senate Assembly Committee it can be placed on the Senate Assembly Agenda.

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The issue arose because a faculty member had reported that her salary had been reduced by 10%. The issue had previously arisen under president Bollinger, and, at that time, Assistant General Counsel Dan Sharphorn had said that a reduction of base salary of 10% does not constitute demotion (up to 30%) (three schools have used it, Dentistry, Medicine and Pharmacy) (see [https://facultysenate.umich.edu/wp-content/uploads/sites/22/2015/03/MIN\\_AAAC\\_17Nov16\\_approved.pdf](https://facultysenate.umich.edu/wp-content/uploads/sites/22/2015/03/MIN_AAAC_17Nov16_approved.pdf)). Professor Lehman said that there are no statutes, cases or administrative decisions that would support the position that salary reductions are not demotions and some case law that would suggest that a salary reduction would constitute a demotion. Professor Lehman wrote to General Counsel Lynch about the issue. General Counsel Lynch said that he could not offer legal advice but that his office is comfortable with the decisions that have been taken in the past.

Professor Weineck asked if a 0% salary increase in the presence of inflation would also be considered a reduction; Professor Wright asked about increases in teaching as a form of reduction in income. Professor Lehman said that a “punitive teaching load” was grievable. Professor Smith pointed out that percentages could be reallocated if there was a decline in research productivity. Professor Weineck said that teaching load was more sacrosanct in some units than others, and that in the humanities it could be hard to measure productivity in terms of output, especially when a person is engaged in a long-term project. Professor Smith said that in his department if a person did not publish or get a grant for several years, that time had to be accounted for, making a change in teaching load an acceptable solution. Professor Smith asked what constituted a demotion? Professor Szymanski said that it would mean a step change in a position (e.g. from Full to Associate), so he questioned whether a reduction in salary could be counted as a demotion. Professor Weineck said that there were cases involving teachers where salary cut was a demotion, pointing to case regulation in the state of New Jersey. Professor Wright suggested that the word “de facto” should be added to the motion.

Chair Schultz pointed that some institutions have had negative pay raises, and asked if it was possible for everyone who received such a negative pay raise to grieve such a decision.

Professor Weineck said that if a person wanted to buy out a course in LSA it would cost 20% of that person’s salary, so an increase in teaching from four to five courses would represent a 20% pay cut.

Chair Schultz pointed out that there were sanctions beyond salary reduction, that could make things worse than a 10% reduction.

Professor Smith returned to the issue of reallocation of unit resources according to a person’s grants, which he regards as necessary flexibility. Professor Atzmon argued that added responsibilities are not necessarily equivalent to a demotion, and should therefore be treated separately.

Chair Schultz asked if it was necessary to bring the AAAC motion forward without further SACUA discussion.

Professor Lehman said that he would put this before the Senate Assembly without SACUA approval and that it had to be this month because the current and interim provosts will be present at the Senate Assembly meeting. He sees this as an opportunity to open this discussion with the provosts. Professor Smith said that the issue was raised two years ago in Pharmacy and this was not new to SACUA.

Professor Weineck said that the focus on salary was useful in some fields but not in others and wanted a motion that took account of as many sanctions as possible (people should not be forced to teach more than departmental norms). Professor Lehman says that he feels that the AAAC motion is a focused remedy to an actual complaint.

Chair Schultz asked for a motion to approve the resolution. Professor Smith moved that SACUA endorse the AAAC motion, Professor Lehman seconded. SACUA voted in favor of the AAAC motion 4-2 (with two abstentions).

Professor Weineck proposed that SACUA offer an amended resolution to read:

The Senate Assembly, in its capacity as the legislative arm of the University Senate (University of Michigan Bylaws of the Board of Regents, Sec. 4.04), hereby declares that any reduction to an individual faculty member's base academic salary or involuntary increase to their contractually agreed teaching obligations constitutes a demotion and entitles the affected faculty members to all of the due process provisions of Regental Bylaw 5.09.

SACUA voted 4-4 so the second motion will not be offered by SACUA to the Senate Assembly.

#### 4:24 Approval of January 23, 2017 Senate Assembly Agenda

The proposed agenda is:

- 3:15 Call to Order/Approval of Agenda and Minutes/Announcements
- 3:30 SACUA Nominating Committee Election
- 3:45 Academic Affairs Advisory Committee (AAAC) Resolution
- 4:00 Guests: Provost Martha Pollack and Interim Provost Paul Courant
- 4:45 Adjournment
- 4:45 Reception in Lobby

The agenda was unanimously approved.

#### 4:25 New Year's Resolutions

Chair Schultz suggested that SACUA has discussed the possibility of emeritus faculty and clinical faculty as Senate Assembly members. He is also concerned that the Stride/Advance Manual is the de facto manual for Diversity, Equity and Inclusion (DEI) hiring. He is concerned that departments may no longer be making decisions in hiring.

Professor Ortega said the Tri-Campus task force may have some implications for discovering the foundation for the relationship between the campuses.

Professor Lehman said that AAAC is concerned with the Office of Institutional Equity (OIE) report and feels that an appeals procedure is necessary for OIE findings, there is interest in AAAC in taking this issue up, but wonders if the General Counsel Advisory Committee could be engaged in the process.

Chair Schultz said that he has discussed with the search committee for a new head of OIE, and the concerns of the faculty with OIE process. Professor

Weineck says that she expects that a different legal situation with Title IX will develop (there will be different enforcement of the rules).

Professor Ortega suggested surveying other committees, noting that the Committee on an Inclusive University is concerned with the way that Presidential Post-Docs hires are being made.

#### 4:33 Matters Arising

Medical Affairs Advisory Committee (MAAC) is cancelling its meeting this week (Professor Rothman, the Chair is retiring)

Chair Schultz said that the Vice President for Research is interested in offering an award for meritorious public service, and asked if SACUA should be involved with the award.

#### 4:36 Executive Session (Committee Memberships, Awards)

[Future Invitees to SACUA]

[New Chair for MAAC]

[Faculty governance awards for emeritus faculty]

#### 4:52 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 policies 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."