

Minutes of 13 March 2017
Circulated 24 March 2017
Approved 27 March 2017

THE UNIVERSITY OF MICHIGAN
Senate Advisory Committee on University Affairs (SACUA)
Wednesday, March 13, 2016 3:15 pm
Regent Conference Room, Fleming Building

Present: Atzmon, Ortega, Schultz (chair), Smith, Wright; Potter, Schneider, Snyder

Absent: Carlos; Lehman; Szymanski; Weineck

Guests: Vice President Wilbanks; Dr. John Mansfield

3:23 Call to Order/Approval of Agenda and Minutes

The agenda was approved. The minutes of 13 February were approved. There was discussion of the twenty-hour rule for GSI work. Professor Wright suggested SACUA consult with other Big Ten Universities.

3:23 Announcements

Chair Schultz announced there will be a meeting about the Dakota Pipeline in the College of Literature, Science and the Arts (LSA) this evening. Chair Schultz announced the Town Hall Summit for Asian American/Asian/Pacific Islander community this week that he plans to attend. He also announced the Senate Meeting will proceed the Senate Assembly meeting next week.

3:30 Modify Transgender Resolution

Chair Schultz introduced new wording for the motion SACUA approved last week: The University faculty governance is committed to working to create a safe and inclusive space for all people. We support a policy that allows all members of our campus to use bathrooms consistent with their gender identity.

The previous text read as follows:

The University of Michigan is committed to working to create a safe and inclusive space. All members of our campus community are at liberty to use bathrooms consistent with their gender identity.

Chair Schultz pointed out the previous language sounds like SACUA was speaking for the University rather than for Faculty Governance, he also noted that the motion supports contemporary practice at the University.

Professor Wright proposed SACUA rescind and replace the motion of March 6 with the new language and place it on the Senate Assembly agenda. Professor Ortega seconded the motion. Professor Atzmon asked if SACUA should concern itself with educating the University community given the lies that have been spread about the transgender community. Chair Schultz discussed the issue of transgender bathrooms in the past year about the reaction against the

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Obama administration policies in North Carolina. Professors Ortega and Smith agreed it is important to provide further education for the faculty on this issue.

The proposal to place the motion concerning transgender bathrooms on the Senate Assembly agenda passed unanimously.

3:55 Senate Assembly Elected Alternates

Chair Schultz introduced discussion of a possible change to Article II Section 3 of the Senate Assembly (Election of Members and Alternates) to replace “any such alternatives so provided shall be elected” with the following “any such alternates so provided shall be elected or appointed from senate members of the same unit by the replaced Assembly member at least 24 hours prior to the Assembly meeting by notifying facultysenateoffice@umich.edu.”

The motion was approved for presentation at the March 20, 2017 Senate Assembly meeting.

4:00 Executive Session - Awards and Lawsuit

[Bicentennial Lifetime Achievement Awards]

[Kurashige/Lawsin lawsuit]

[Freedom of Information Act (FOIA) Lawsuit by the Mackinac Policy Institute

(<https://www.michigandaily.com/section/administration/mackinac-center-files-lawsuit-against-university-over-foia-request>)]

4:15 Liaison Reports

4:30 Guest: VP Government Affairs Cynthia Wilbanks

Vice President Wilbanks reported on the Congressional Breakfast in Washington with 305 attendees, including Michigan graduates who are members of Congress on both sides of the aisle. The Washington DC alumni association sponsored the event, which commemorated the University’s Bicentennial. She said the DC Club provides financial support for students attending the University from the DC area.

In addition to the breakfast, Vice President Wilbanks and President Schlissel met with members of Congress to discuss proposed changes to the tax code relating to charitable giving and University endowments. She noted the current proposals to modify the Affordable Care Act (ACA) also has tax implications.

Professor Wright asked for details about the proposals concerning endowments. Vice President Wilbanks said Senator Grassley, who chaired the finance committee ten years ago, started to ask, at that time, how universities managed their endowments and about their spending policies. The issue is now attracting attention as university endowments had grown. Questions include the use of endowments and whether the policies that support their growth are consistent with opportunities for student faculty success. While Senator Grassley was no longer chair of the senate committee; Representative David Camp, who stepped down as the representative for Michigan’s Fourth Congressional District after having served as chair of the House Ways and Means Committee in 2014, had taken up Senator Grassley’s concerns for a more active conversation around endowments focused on private and major public universities. Proposals include one requiring new endowment funds must go to reducing tuition cost. Another proposal would require that 25% of an endowment payout must go to reduce tuition. Of the University pf Michigan’s endowment, around 25% of available funds go to student support. Although the University’s spending aligns with these proposals, the University is opposed to requirements on

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expenditure. Vice President Wilbanks noted that expenditures from endowment accounts are under contract (there are 9300 of these accounts). Professor Wright commented on the constitutional aspects of such legislation, Vice President Wilbanks said private universities will feel more pressured than in the past as they have enormous per capita resources for students (compared to per capita expenditure at Michigan, with 66000 students across three campuses).

Chair Schultz asked about charitable giving deductions. Vice President Wilbanks said that a proposal coming out the 2014 blueprint is to limit deductibility to \$5000 deductible. The University receives 130,000 individual contributions a year, the vast majority of which are below \$5000; the challenge would be to understand what the impact would be on larger donations. Professor Atzmon said that for the last 15 years it has been very difficult for colleagues outside the country (e.g. from China) to get visas as result of the 9/11 attacks. He hoped that the issue will be taken up in Washington. Vice President Wilbanks replied that the University intercessions in this regard have not been widely successful. In the wake of the November election her office has taken up immigration policies. Issues include visas held by faculty members and the circumstances of students, especially DACA students. She called attention to the Public Affairs web site (<https://publicaffairs.vpcomm.umich.edu/>) and said she is chairing an advisory group to President Schlissel to get the campus heartbeat. She urged faculty to put students in touch with the International Center. Congresswoman Dingle met graduate students from the seven countries affected by the travel ban and others who were troubled by the current situation. Congresswoman Dingle spent an hour with this group.

Chair Schultz asked about the GEO contract and the possibility of getting a definitive ruling from the State Department on the twenty-hour rule. Vice President Wilbanks said she will need to consult more deeply before issuing an opinion on the matter.

Professor Smith asked about the major issues VP Wilbanks attends to. Vice President Wilbanks said they were relations with the state government, the federal government and the Ann Arbor community. The primary issue with respect to the state is budget support for the general fund. The University's goal in the last six years has been to reach the 2011 level of appropriation (the University is currently \$178,000 shy of 2008 funding). The high point for state funding was in 2002 (\$364,000,000) meaning the real gap is not between 2011 and 2017, but between 2002 and 2017. In 2011 alone, the University's appropriation was reduced from \$364,000,000 to \$316,000,000. State support now is only 15% of the general fund. She noted some state legislators had discussed privatizing the University, which the University opposes.

The University has had a full time federal office since 1990 (it was one of the first universities in the country to have one). In the 1980s there was already a view that, given the trends in higher education, it was important to diversify University revenues, including greatly increasing federal support. In Washington (as opposed to Lansing) there are no University of Michigan-specific line items, so the University works in collaboration with Universities that look like us (AAU peers and the Association of Public Land Grant Universities). These leverage congressional delegation relationships to increase confidence in this work. The current situation in Washington is complicated since much of the top leadership with respect to higher education has not been appointed.

Chair Schultz asked about the Mackinac Center for Public Policy's FOIA lawsuit, wondering if faculty should be concerned they might be asked to give up e-mails. Vice President Wilbanks said that answering FOIA requests is a substantial workload. There are 400-500 FOIA requests a year, but many refer to documents on things like coaches' contracts (lots of interest in sports), others relate to procurement practices, or are related to employment. As a matter of good e-mail practice everyone should be mindful that there are lots of things that could be FOIAable. In terms of community relations, both in and around Ann Arbor and, by extension, other regions of the state, Vice President Wilbanks drew attention to the Road Scholar program to take faculty

around the state. Although initially skeptical of the proposal, she said that it has been run very successfully for sixteen years. It is important, in her view, for communities around the state to see the faces of the University of Michigan. She noted that the University does not have a land grant mission. When the Michigan Legislature established the University in 1817 there were strong references to agriculture, but with the Morrill Acts of 1862 there was a strong expectation that the Land Grant Universities (Michigan Agricultural College, the original Michigan State University), would take responsibility for such programs and the University shifted its programs agriculture and forestry to Michigan State, with which the University partners on many things through the University Research corridor.

5:08 Matters Arising

Professor Wright introduced the following motion:

SACUA wishes to recognize the Michigan Basketball Team and its extended family for their conduct, on and off the court this past week. We particularly recognize coach Beilein's leadership and courage, which exemplified the University of Michigan's aspiration to be the leaders and best.

Professor Ortega seconded the motion. The motion carried unanimously

5:05 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."