

Minutes 11 September 2017  
Circulated 29 September 2017  
Approved 2 October 2017

THE UNIVERSITY OF MICHIGAN  
Senate Advisory Committee on University Affairs (SACUA)  
Monday, September 11, 2017 3:15 pm  
Fleming Building, Regents' Room

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

Absent: none

Guests: President Schlissel, members of the press

3:18: Recognition of 9-11 Anniversary

SACUA observed a moment of silence

3:20: Call to Order/Approval of Agenda

The Agenda was approved

3:20 Announcements

- The Provost will meet with SACUA on September 25.
- Chair Ortega says that he has made some contacts with Regents, those with whom he has had contact are in favor of a working breakfast with SACUA.
- Vice President Churchill and President Schlissel will attend the Senate Assembly on December 12.
- The Provost will attend the Senate Assembly meeting on October 23.
- Robert Sellars, Vice Provost for Equity and Inclusion and Chief Diversity Officer, who was scheduled to meet with the Senate Assembly in September may now join the Senate Assembly meeting in December.
- The Davis/Markert/Nickerson will be October 3 at 4pm. The speaker will be Michael Mann, Professor of Atmospheric Science at Penn State. The title is "The Mad House Effect Climate Change Denial in the Age of Trump."

3:24: Senate Assembly Sept. 18 Agenda

The Agenda will be circulated on line

3:25: Latinx Resolution

Chair Ortega discussed the hate message that was painted on the rock at the corner of Hill Street and Washtenaw Avenue that was directed at Latinx students on September 1, 2017 (<https://www.michigandaily.com/section/campus-life/anti-latinx-pro-trump-writing-found->

university-rock), there has been a large reaction by the University Community at large, he asked SACUA to offer its own motion in support of the Latinx community:

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RESOLUTION 091117-1

Considering the recent anti-Latinx graffiti, the University of Michigan’s Senate Advisory Committee on University Affairs hereby affirms its support for the Latinx members of the University community. Our collective commitment to equity, inclusion, and mutual respect extends to all members of all ethnic communities. We call on all members of the University of Michigan to unequivocally oppose and condemn all attempts to discriminate against, marginalize, or denigrate students, faculty, and staff based on national origin or ethnic belonging

After discussion of the wording, the motion as worded was approved 5-2-1.

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3:30 Guest: President Mark Schlissel

Chair Ortega said that he has suggested two issues for discussion at the meeting to President Schlissel. One is the implication of the Department of Education to replace the guidance issued under the Obama administration with respect to sexual misconduct ([http://www.chronicle.com.proxy.lib.umich.edu/article/Citing-Obama-Era-Failures/241117?cid=wcontentgrid\\_hp\\_8](http://www.chronicle.com.proxy.lib.umich.edu/article/Citing-Obama-Era-Failures/241117?cid=wcontentgrid_hp_8) ). The other is how faculty might take a more proactive role working with the administration around issues of intolerance.

President Schlissel stated that the University’s goal with respect to student sexual misconduct remains unchanged. It is to diminish the incidents of sexual misconduct on campus. The problem is a significant one and the University’s main tools are education and outreach. He observed that, given the very low reporting rate, prevention was a far more important goal than adjudication, as is clear from data collected in survey conducted by the Institute for Social Research (ISR). The University must educate students not just about misconduct, but also about nature of consent, how to have healthy relationships.

With respect to adjudication, President Schlissel said that the University’s procedures and policies were modified to provide more support for both complainants and respondents, to ensure that witnesses would not be anonymous, while retaining preponderance of evidence standard. The most important development in the new policy was the appeals step whereby all the evidence on file would be presented to a retired federal judge who would make a judgment on the finding of fact and the penalty imposed by Student Life. Even with the withdrawal of the previous guidance letter, the University is still moving forward to operate with what it feels are the best practices. President Schlissel that the University has a good policy that he would like to keep in place 2-3 years before modifying it on the basis of experience. Given that the law sets minimum standards the University has a fair amount of latitude in designing student discipline policies.

Professor Schultz noted that many of the tweaks related to due process with respect to the respondent. President Schlissel replied that the University not a court of law, but should have a policy that is as fair as possible to all parties, showing respect for the presumption of innocence even though there is no evidence that false claims are being made by complainants.

Professor Szymanski observed that there have been concerns about the way the Office of Institutional Equity (OIE) collects evidence. President Schlissel replied University predominantly uses an investigative model where there is a Title IX officer interviews the complainant, the respondent and any witnesses and then writes initial reports which are shared the report with both parties before proceeding to a determination of fault. He does not believe that the University should employ a judicial process where there would be a face-to-face confrontation in a

courtroom-like atmosphere. He stressed the need for Title IX officers to have the best training and of the appeals process. Her also noted that SAPAC (now 30 years old) provided advice and support if a complainant wants to go to the police. There is an historic hesitancy to do this, however, because some law enforcement groups do not have a good reputation for dealing with sexual harassment.

Professor Malek said that he felt that the education aspect of the policy was very important.

President Schlissel said that in his view the ultimate solution must come from the students themselves, that there has to be a social enforcement of a culture of respect, and that such a culture has the best chance of turning around an awful mode of behavior.

The second topic for discussion was formalizing a way for faculty who are not in leadership positions to contribute to campus-wide issues. President Schlissel feels that it would be very helpful to have a faculty statement of support for the University's speech policy, which needs to balance people's sense of inclusion against free speech rights. He feels an educational institution must provide strong support for freedom of speech while ensuring that very threatening speech does not damage the atmosphere on campus, and that people do not have the right to claim speech rights when inciting violence against others. He prefers helping people deal with insulting and hurtful speech rather to silencing people, and wants to find ways for faculty to aid students to seeking guidance in difficult situations.

Chair Ortega, noted that SACUA have reinstated Civil Liberties and Civil Rights Committee and has initiated conversations with Vice President Harper ways in which the whole campus community can work together.

President Schlissel discussed the perception that the University's posture was reactive in the face of a bad event, with the result that students feel he only reaches out in a crisis, that there are no conversations in the absence of an inciting event. He feels that, as president, he needs to devote more time getting out in front of the issue, that there is a need to build resilience since there is no way, in a free society, to prevent people from shouting terrible things.

Professor Schultz noted that the Administration had responded to every event. President Schlissel observed that while students do not doubt that he regards hate and racism as terrible, they expect a university response whenever an incident occurs.

Professor Schultz said that the goal of hate speech is to get a response. President Schlissel replied that it is asking a lot of a 20-year-old to take a deep breath and ignore hateful statements.

Professor Szymanski observed that while the University is a liberal community it is not representative of society as a whole, that we must recognize the ingrained nature of the privilege we enjoy. President Schlissel asked how to get the campus community to think of itself as one community rather than as a collection of different identity groups, all facing the same threat from people trying to cast doubt on the membership of a subgroup in a broader society, that an assault on any member of the community is an assault on all of members of the community.

Professor Wright asked if the University has a process for responding to questions about naming buildings in light of the national discussion about taking down monuments and renaming buildings etc. President Schlissel said that the University History Committee, had provided a set of general principles to be used when requests come forward about naming ([http://fo.umich.edu/pdf/NamingPolicy\\_Guideline.pdf](http://fo.umich.edu/pdf/NamingPolicy_Guideline.pdf)).

4:05 President Schlissel left the meeting

There was discussion the way SACUA could promote the most effective communication during future presidential visits.

4:15: Committee Charges, Memberships, Liaisons and Scheduled Chair Reports

Chair Ortega introduced the charges for committees (see <https://facultysenate.umich.edu/senate-assembly/committees/>) and the SACUA liaisons to the committees. The Committee on Civil Liberties and Civil Rights is being reinstated in light of incidents on campus.

SACUA liaisons:

- Academic Affairs Advisory Committee (AAAC): Marsh
- Administration Evaluation Committee (AEC): Ortega
- Building facilities and Infrastructure (BFIC): Marsh
- Committee on Civil Liberties and Civil Rights (CCRL):
- Committee on the Economic Status of the Faculty (CESF): Wright
- Committee for an Inclusive University (CIU): Beatty
- Communications and External Relations Advisory Committee (CERAC): Schultz
- Financial Affairs Advisory Committee (FAAC): Wright
- General Counsel’s Advisory Committee (GCAC): Szymanski
- Information Technology Committee (ITC): Atzmon
- Medical Affairs Advisory Committee (MAAC): Malek
- Research Policies Committee (RPC): Carlos
- Rules Practices and Policies (RPP):
- Secretary of the University Advisory Committee (SAC): Beatty
- Student Relations Advisory Committee (SRAC): Atzmon
- Tenure, Promotion and Professional Development Committee (TPP): Malek

4:25: Tri-Campus Faculty Issues

Chair Ortega recommended that SACUA support the continuation of the Tri-Campus Faculty Governance Task Force whose purpose is to study issues of governance on all three campuses. He said that there was a draft on governance for the Ann Arbor Flint campuses, and that there were questions about the reach of SACUA with respect to Flint and Dearborn. Dearborn contributions are still in process.

Professor Schultz expressed concern that the Tri-Campus Task Force did not meet regularly, and suggested that the committee to be constituted from Senate Assembly. He proposed that SACUA introduce a motion to Senate Assembly as follows:

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RESOLUTION 091117-2

Be it resolved, that the Tri-Campus Faculty Governance Task Force be reconstituted for one academic year by an election of the Faculty Assembly to elect 2 Faculty Assembly representatives from each campus.

The motion was passed unanimously

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4:40: Unit and Faculty Ombuds

Chair Ortega said the list of Ombuds for each unit has been updated, and Ms. Snyder has been instrumental in developing an updated website (<http://facultyombuds.umich.edu/>).

4:50: Senate Assembly and SACUA Guests

There was discussion of possible guests for the Senate Assembly and SACUA including President Schlissel, Provost Philbert, Kelli Trosvig (Vice President for Information Technology),

Sally Churchill (Vice President and Secretary of the University), Regents, Officer Robert Sellars (Vice Provost for Equity and Inclusion and Chief Diversity Officer), Anne Curzan with Ketra Armstrong (FAR and ABIA, Senate Assembly in January), Associate Provost James Holloway, Bruno Giordani (faculty Ombuds), Jim Kosteva with Vice President Cynthia Willbanks (Government Relations), Pamela Heatlie (Office of Institutional Equity), Vice President Royster Harper (Student Life), Tim Lynch (General Counsel), Senate Assembly Committee Chairs.

Professor Wright suggested that there be a Regents' Forum since otherwise Regents only appear when they are standing for election.

Professors Malek and Marsh suggested bringing Jack Hu Vice President for Research and Marschall Runge Executive Vice President for Medical Affairs. Professor Malek discussed the development of satellite campuses for the Health System that expanded the footprint of the Health System (with new faculty). There was discussion of the best way to enhance the communication between SACUA and its committees. It was felt that it was most effective to rely on SACUA liaisons.

#### 4:55: SACUA/Senate Assembly Minutes Review Procedure

SACUA minutes will be circulated through Professor Carlos, who will distribute the minutes to SACUA members who will send corrections to Professor Carlos by 5:00 pm on Thursday; she will communicate the corrections to Professor Potter by Friday.

#### 5:10: Executive Session

Academic Freedom Lecture Fund (AFLF) and UM-AFL collaboration  
SACUA and Tri-Campus Faculty Governance  
Update on Active Grievances (Ombuds report)  
OIE: next step for faculty concerns  
President's private meeting update

#### 5:30 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."