

Minutes of 26 March 2001
Approved 16 April 2001

**THE UNIVERSITY OF MICHIGAN
SENATE ASSEMBLY MEETING
MINUTES OF 26 MARCH 2001**

ATTENDANCE

Present: Andrews, Antonucci, Burdi, Burns, Clark, Drach, Faerber, Fisher, Gobetti, Green, Hart, Karni, Karnopp, Karr, Ketefian, Lindner, Lubeck, Malkawi, Marcelo, Mateo, McDonagh, Merchant, Moseley, Navvab, Ni, Perfecto, Peterson, Powell, Reisch, Riebesell, Robertson, Rocchini, Rosenthal, Rush, Savage, Scheiman, Sears, Taghaboni, Uribe, Ward, Wingrove, Yakel, Yeo

Alternates: Rosano

Absent: Alcock, Anderson, Atreya, Bhavnani, Bonner, Boyd, Brophy, Brown, Brusati, Deskins, Dick, Dunkle, Erickson, Greenberg, Guthrie, Harrington, Hills, Jacobsen, Juster, Kalisch, Masson, Murphey, Papadopoulos, Sedman, Sheil, Taylor, Trumpey, Vicinus, Watkins, Winger, Wright

MATERIALS DISTRIBUTED

1. Senate Assembly agenda
2. Draft minutes of the Senate Assembly meeting of 19 February 2001
3. Ballot for election of members of SACUA

Chair Navvab convened the meeting at 3:20 P.M.

CONSIDERATION OF THE MINUTES OF 19 FEBRUARY 2001

The minutes of 19 February were approved.

ANNOUNCEMENTS

Chair Navvab announced that a forum on distance education would be held at the Michigan League on Friday, 30 March. He also said that the U-M Chapter of AAUP will sponsor a forum on collective bargaining at the Michigan Room of the Michigan League at noon on Tuesday, 24 April 2001.

SACUA ELECTION

Ballots for election of representatives to SACUA were collected from Senate Assembly members. Faculty Senate Office staff served as tellers. The tellers reported that Professors Koopman, Riebesell, and Yeo had been elected. The tellers report included the ranking scores for the candidates. Under the rules of the Senate Assembly, the top vote-getters are those with the lowest scores: Yeo (88), Koopman (100), Riebesell (101), Savage (122).

VISIT OF VICE PRESIDENT AND GENERAL COUNSEL KRISLOV AND DEPUTY GENERAL COUNSEL BARRY

Chair Navvab introduced the guests at 3:30 P.M. The guests reviewed the judicial rulings in the undergraduate admissions lawsuit that had recently concluded in federal court. They said that both parties had appealed parts of the ruling, and that they expected the Law School admissions rulings to be appealed, as well. Professor Ward asked if the counselors expected the cases to go before the Supreme Court. VP Krislov replied that it was hard to make a prediction. Barry reviewed the legal context of the U-M case among others that have been tried in the federal courts.

Professor Rosenthal asked the counselors to summarize the significance of the admissions cases and to comment if they expected new information to arise during the appeals. VP Krislov replied that Circuit Courts are regional, and therefore the findings in other Circuit Courts are not binding upon the U-M case. He said that appeals generally follow along the lines of the original arguments, and that fundamentally new information is unlikely to arise. A member of the Assembly remarked that the arguments promoted by the administration makes it sound as though they are using students for an institutional goal, and that many students have expressed their dissatisfaction about that situation. VP Krislov responded that the interveners in the case introduced student perspectives, including benefits from the admissions policies. Barry added that the U-M administration had to choose a defense, and they chose to use educational benefit.

Professor Fisher asked how race was factored into the current admissions policy, and whether it was by awarding points. Deputy GC Barry replied that the undergraduate admissions policy presently awards 20 points on a 150-point scale for membership in an underrepresented race, and also for socio-economic disadvantage and for being a scholarship athlete. A member of the Assembly asked if further changes in admissions policy were being planned. Barry replied that no major changes are planned, but that minor changes are made all the time.

Chair Navvab asked the guests to articulate the mission statement of the Office of the General Counsel. He commented that some faculty questions have been characterized as inappropriate for response by the General Counsel. VP Krislov replied that the mission of his office is to provide high quality legal advice to the entire university. He explained that his office has a clear and formal support relationship to the Board of Regents, to the deans, and often to the department chairs. Krislov said that the relationship with the faculty was harder to state, but that members of his office would be willing to hear from faculty members. He pointed out that if there were disputes between two faculty members his office could sometimes function in a mediation role.

VP Krislov pointed out that the Senate Assembly's advisory committee to the General Counsel is a good place for faculty to raise general questions. He said that his office can speak about the legality of issues, but not about policy questions that are within the law. He added that Mr. Schneider in the Faculty Senate Office has been very helpful to his office. Krislov said that faculty should not feel offended if the members of his office decline to discuss some matters. The guests left the meeting at 4:18 P.M.

ISSUES FOR THE SENATE ASSEMBLY

Chair Navvab reported that he has been reviewing the history of Senate Assembly deliberations and actions over the past 7 years. He noted that most issues have a long gestation and that some return for consideration repeatedly. He cited faculty concerns about the Department of Public Safety, VCM oversight, tobacco divestment, the Faculty Handbook, Principles of Faculty Involvement in Central and Unit Governance, university-wide guidelines for tenure review, and parking as examples of issues from the recent past. Chair Navvab's summary analysis is appended to these minutes in the form of a spreadsheet file attachment in Microsoft Excel format: SenateProgress.xls. Chair Navvab stated that there are now important matters emerging that in part represent issues that the Assembly has seen before, but which are expressing new dimensions. He pointed out, for example, that the Assembly had successfully opposed an administrative effort to steer faculty and staff into M-Care rather than alternative health care providers. He said that benefits will again warrant close attention because the administration is preparing to revise benefits for prescription drugs. Navvab said that several years ago the faculty had proposed revision of the operation of the Board in Control of Intercollegiate Athletics (BICIA) to bring it into conformity with regulations of the Big-10 Conference. He said that the effort had been put on hold by changes in the athletic department administration. Now, he said, the faculty await an alternative report from the administration proposing its own changes in the role of faculty governance through the BICIA, a report that is presently in the office of the Athletic Director.

Chair Navvab said that the faculty were also anticipating a report from a committee selected by the university president, and chaired by associate provost James Hilton, which is drafting policy likely to affect all faculty. He said that Hilton's committee was drafting policy regarding conflict of commitment, which would govern faculty opportunities to engage in non-U-M distance education ventures, and also copyright ownership for scholarly work and instructional material aimed at the Internet. Navvab said that developments by the president's committee would need careful inspection and deliberation by the governing faculty.

The chair also reported that SACUA has held hearings with former elected leaders of SACUA and the Senate Assembly who identified deficiencies in the existing Faculty Grievance Procedure, and that the deficiencies may need remedy by action of the Assembly at its next meeting. Chair Navvab then recognized Professor Fisher. Fisher stated that he is transmitting a resolution regarding changes of student course grades to SACUA for its consideration and disposition. Chair Navvab then invited all members of the Assembly to communicate any concerns they may have about existing grievance

policy and about changes of course grades without faculty authorization to the Faculty Senate office.

PRESCRIPTION DRUG 2002 UPDATE

At 4:30 P.M. Chair Navvab introduced Professor Yeo and asked her to report on the activities of the Prescription Drug 2002 Workgroup. Professor Yeo said that she was serving as a faculty representative from SACUA to a 13-member workgroup established by the provost and the CFO preliminary to changes in benefits for prescription drugs. She said that results of focus group studies would be published soon and that the results of the workgroup are expected in about one month, or shortly after the end of the academic term. Professor Riebesell asked Professor Yeo to describe the recommendations that are evolving. Yeo replied that the model for a revised co-pay structure is under debate. A member of the audience asked if the focus groups included retirees. Professor Yeo replied yes.

Chair Navvab informed the Senate Assembly that at least three important issues will be developed by SACUA in the following three weeks, and that the Senate Assembly will likely take up motions by vote at its 16 April meeting. He said that the three issues are (1) grievance policy, (2) course grade changes, and (3) prescription drug benefits. He explained that documentation will be circulated to the members of the Assembly by electronic mail and will be posted to the faculty governance website (www.umich.edu/~sacua/).

OLD BUSINESS

There was no other old business.

NEW BUSINESS

There was no new business.

The meeting adjourned at 4:40 P.M.

Respectfully submitted,

John T. Lehman

Senate Secretary

University of Michigan Bylaws of the Board of Regents, Sec. 5.02:

Governing Bodies in Schools and Colleges In each school, college, or degree granting division of the University, including those at the University of Michigan-Dearborn and at the University of Michigan-Flint, the governing faculty shall be in charge of the affairs of the school, college, or division, except as delegated to the executive committee, if any, and except that in the School of Graduate Studies the governing board shall be the executive board, and in the Medical School shall be the executive faculty. Appendix: SenateProgress.xls (Microsoft Excel file)