

Minutes of 17 April 2006
Circulated 19 April 2006
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Approved 18 September 2006

**THE UNIVERSITY OF MICHIGAN
SENATE ASSEMBLY MEETING
17 APRIL 2006**

Present: Abdoo, Albers, Aller, Benamou, Brock, Brown, Burant, Cebulski, Chang, Fraser, Garton, Green, Gull, Koopmann, Lange, Lehman, Maddock, Matjias, Meerkov, Neuman, Peters, Pohl, Potter, Powell, Prygoski, Quint, Sabel, Schultz, Seabury, Severance, Smith, Thouless, Volling, Younker, Zorn

Alternates: Cowdery (Flint - for Farmer), Dowling (Engineering – for Stark), Durfee (Engineering - for Roe), Erickson (Dearborn - for Moran), Kimball (LSA-Social Sci - for Graham-Bermann), Reynolds (School of Information - for Hollar), Riles (LSA-Nat Sci - for Becker)

Requested Alternate, none available: Hesselstine (Art & Design), Lachance (Dearborn)

Absent: Agrawal, Annich, Ben-Shahar, Bhavnani, Brophy, Carson, Carter, Combi, Fricke, Frost, Giordani, Hu, Hutchinson, Ismail, Jackson, Kim, Lemos, Li, Liu, Ludlow, Luera, Mitani, Ohye, Pritchard, Sahiner, Sellers, Senkevitch, Stoolman, Streetman, Watkins, Younger, Ziff

MATERIALS DISTRIBUTED

1. Senate Assembly agenda
2. Draft minutes of the Senate Assembly meeting of 20 March 2006
3. Remarks to the Senate Assembly by B. Giordani, chair, dated 20 March 2006
4. Proposed Senate Resolution concerning gender identity and gender expression, plus accompanying documents
5. Report of the Budget Study Committee, Academic Year 2005-2006, dated 15 April 2006
6. Issue memo from Research Policies Committee regarding Recommendations for Interdisciplinary Research Enhancement, undated
7. Issue memo from Research Policies Committee regarding Review and Recommendations on Burden of Human Subjects Research Regulation, undated
8. Subcommittee on Benefits, Committee on the Economic Status of the Faculty: Annual Report 2005-2006 and Executive Summary
9. Criteria for Shared Governance at the University of Michigan, Draft dated 3 April 2006
10. Proposed Action Item for 17 April Senate Meeting, by Jens Zorn

The meeting was convened by the vice-chair at 3:15 P.M. The draft agenda was approved.

ANNOUNCEMENTS

Professor Gull called attention to a statement from retiring Assembly Chair Giordani, included as distributed item 3.

CONSIDERATION OF THE MINUTES

The minutes of 20 March 2006 were approved as submitted.

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ACTION OF SENATE ASSEMBLY 041706-1

Chair Gull called on Professor Seabury at 3:17 P.M. and invited him to introduce a resolution that was being placed before the Assembly by vote of SACUA (distributed item 4). Professor Seabury said that he had agreed to draft the resolution, with help from Professor Frier, in response to appeals to SACUA by representatives from the Lesbian, Gay, and Bisexual Task Force. He pointed out that the resolution called for changes to the language of Regents Bylaw 14.06 as well as Standard Practice Guides (SPG) 201.35 and 601.6. He concluded his presentation at 3:20 P.M. Professor Gull invited discussion from the floor.

Professor Frier stated that the current situation is one in which transgender individuals have been extended protection from discrimination within the university by virtue of a communication from the provost, but that there has not been effective follow through. He said the core of the issue was an absence of leadership from the top, and that the resolution was intended to solicit effective enforcement. He noted that committees appointed by former provost Courant made two important recommendations: (1) that there be more education about the salient issues within the university community, and (2) that transgender individuals be allowed to change their names within the university record system. He said that both points are advertised on the provost's website but neither project has been funded as yet. He explained that if the Regents' Bylaw were changed, then all other university policy would automatically be forced to conform to the higher policy.

Professor Seabury said that gender is a psycho-social phenomenon, and that conceptually there are more than 2 distinct categories. A member of the Assembly asked if the Regents have expressed a reason for opposing what seemed a relatively benign antidiscrimination clause. Professor Frier replied that nothing has been expressed by the Regents as a group. Again, he cited an absence of leadership from the top. He noted that the university already differs from State law in that the U-M extends antidiscrimination protection to sexual orientation.

A member of the Assembly declared that he believed no one should be discriminated against for anything but job performance. But he questioned the nuances of definitions implied by the proposed language of the resolution. Professor Frier replied

that the categories listed in the motion are not obscure, but that there perhaps has not been enough education about them.

Chair Gull assessed the readiness of the Assembly for a vote on the Active Motion.

Vote on the Active Motion:

Number Approving- 27

Number Disapproving- 3

Number Abstaining- 4

BUDGET STUDY COMMITTEE UPDATE

Professor Emeritus R. Lomax reviewed the annual report of the Budget Study Committee (distributed item 5). He noted that the Health System dominates university expenditures. He reported that in 2008, the U-M retirement benefits liability in excess of one billion dollars will have to be listed officially on the books. He noted that the swelling ranks of clinical faculty are responsible for most of the growth observed in faculty numbers. He said that in 2001, the faculty was 53% tenured and tenure-track, 7% lecturers, and 12% clinicals. At the present time tenured and tenure track faculty are 50%, whereas lecturers are 10% and clinicals are 17%. He finished his presentation at 4:05 P.M.

Professor Koopmann remarked that much of the expansion costs at the hospital has been for technology upgrades, and moreover, that the new buildings for Life Sciences and Medical Sciences were funded in large measure by the health system.

RESEARCH POLICIES COMMITTEE UPDATE

Professor Haan reviewed two draft issue memos produced by the Research Policies Committee (distributed items 6 and 7). She reviewed the contents of each report and invited comments from the floor. Professor Kimball suggested that an appeals process be instituted above the level of IRBs to address appeals based on the value of the research being proposed. Professor Haan replied that it was a good suggestion, and that she would take it back to committee. Professor Riles commented that the AAAC plans to study preadmission indicators and performance of students, and that he had been told that IRB approval would be needed. Professor Haan replied that her understanding was that such a study is exempt from IRB requirements. Other members of the Assembly confirmed Professor Haan's assertion. She completed her report at 4:24 P.M.

TENURE DATA REQUEST UPDATE

Professor Smith reminded the group that during the Assembly meeting of December 2005 he had provided a report commissioned by SACUA that concluded that virtually all faculty were able to achieve tenure decisions within six years. Subsequently, members of the administration had expressed skepticism about the data (though the data had been supplied by the central administration), and SACUA agreed to inspect additional data that the administration would provide. The suggestion was that the original data were "snapshots" of the faculty on specific dates, and that more thorough analysis might reveal incongruities. Professor Smith said that SACUA is still trying to get all of the data promised by the administration, but so far 85% have been received. He

said 200 faculty present in the snapshots are still missing from the figures subsequently provided by the central administration. Nonetheless, the data in hand conform almost identically to the results of the December 2005 report. He concluded his update at 4:28 P.M.

CESF BENEFITS SUBCOMMITTEE

Dr. Fraser presented the report of the CESF Benefits Subcommittee (distributed item 8). He noted that there seem to be two important areas of tension within the university regarding employment and benefits: (1) some people regard the U-M as a public institution whereas others prefer to regard it as a corporation, and (2) the health care system alternatively treats people as patients or consumers. He said that the CESF report seeks to remind university officials that we are a public institution and that we are serving patients.

Dr. Fraser called attention to the unfunded liability for retiree health benefits referenced by Professor Lomax during the Budget Study report. He noted that the U-M CEO has stated that the administration will handle these liabilities as they come up. In practice, this year it meant withdrawing retroactively the university contribution for Medicare B. He said that means that, at 2006 Medicare rates and planning for 20 years of retirement, each retiree will be forced to pay 15 thousand additional dollars from their own pensions for health care. He warned that the University has set a precedent that it will retroactively take away promised benefits from retirees. He explained that the university is shifting costs from U-M budgets to the pockets of active and retired people. He pointed out that he personally knows retirees at UM-Dearborn who were forced to take part time jobs when the U-M instituted co-premiums for retirees because their expenses had been figured with no cushion based on past promises. He said that now his colleagues don't know when to retire because they don't know what changes the U-M will make subsequently.

Dr. Fraser said that for years the marketing mantra from Human Resources to potential staff was that the pay may not be as good as in the private sector, but that the benefits are better. As of three years ago, he said, the HR people were told to stop that tale and instead to say that working conditions are better. He suggested that if the university had budgeted properly, when the changes come they would have been prepared. He said that the CESF recommends that budget managers start planning for future liabilities by setting aside funds.

Professor Kimball remarked that the U-M needs to recognize it as a liability when someone is retiring; otherwise they will take the necessary money out of current salaries. Dr. Fraser said that he agreed, and that it is a difficult balancing act. Dr. Fraser concluded his report at 4:45 P.M.

TASK FORCE ON SHARED UNIVERSITY GOVERNANCE

Professor D'Alecy called attention to distributed item 9. He explained that the University Shared Governance Task Force is working on the implementation rules for the principles of faculty involvement in institutional and unit governance that was approved

about 10 years ago. He said that the Task Force has articulated five categories that mandate faculty involvement:

1. decisions involving multiple units
2. major initiatives involving substantial resources
3. changes to university rules
4. decisions about academic values
5. personnel issues

He explained that faculty consultation in these matters was a necessary step to fulfill obligations set forth in Regental Bylaws. He said the Task Force hoped to interact fruitfully with the new provost, and that he would update the Assembly again in the Fall. He concluded his report at 4:57 P.M.

NEW/OLD BUSINESS

Professor Zorn said that he had originally planned to introduce a resolution (distributed item 10) for the formal appointment of a lecturer to the Academic Affairs Advisory Committee (AAAC) because that committee could benefit from additional expertise of faculty who teach and advise students in large introductory courses. In discussing this resolution during the SACUA meeting earlier this afternoon, however, it became apparent that this could be done under the existing AAAC rules that permit the appointment of up to four expert members. On several grounds it seemed preferable to SACUA that a lecturer be appointed to AAAC in this already-authorized way, so Professor Zorn withdrew the formal resolution of item 10.

The meeting was adjourned at 4:59 P.M.

Respectfully,

John T. Lehman
Senate Secretary

Bylaws of the Board of Regents, Sec. 4.01: *The University Senate* (in part): The 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.
