

Minutes of 30 September 2002
Approved 18 November 2002

**THE UNIVERSITY OF MICHIGAN
SENATE ASSEMBLY MEETING**

30 September 2002

ATTENDANCE

Present: Andersen, Barsky, Berent, Boyd, Bradley, Brown, Burdi, Carlisle, Combi, Drach, Elenbogen, Ensminger, Fisher, Fishman, Giordani, Gobetti, Gould, Green, Gull, Huntley, Ketefian, Kim, Koopmann, Kosch, Pedraza, Pennel Ross, Prasad, Remick, Robertson, Ruffin, Sagher, Sension, Shelden, Tappenden, Thornton, Tropman, Wechsler, Winter; Lehman

Absent: Akerlof, Alfred, Andre', Bartlett, Bhavnani, Cho, Clark, Colas, Faerber, Frier, Goldman, Hall, Hills, Karr, Keller-Cohen, Lindner, Lithgow-Bertelloni, McDonagh, Moore, Ni, Norris, Okada, Orr, Overmyer, Page, Peterson, Powell, Raisler, Riebesell, Savage, Schwendeman, Shimp, Watkins, Whatley, Yakel, Yeo

MATERIALS DISTRIBUTED

1. Senate Assembly agenda
2. Draft minutes of the Senate Assembly meeting of 15 April 2002
3. 2002-03 Senate Assembly Meeting Schedule
4. Senate Assembly List by Unit 2002-2003
5. Principles of Faculty Involvement in Institutional and Academic Unit Governance at the University of Michigan
6. Announcement for President Coleman's address to Senate Assembly, 14 October 2002
7. Announcement for Academic Freedom Lecture, 31 October 2002
8. Senate Assembly Committees, updated 30 September 2002
9. Announcement for M Answer Page
10. The University of Michigan Faculty Ombuds (<http://www.umich.edu/~facombud>)
11. Mediation Services for Faculty and Staff
12. A checklist for dissertation committee chairs. Rackham School of Graduate Studies.
13. What Rackham can do for you. Rackham School of Graduate Studies.
14. How to mentor graduate students: A guide for faculty at a diverse university. Rackham School of Graduate Studies.
15. Attorney Practice Areas. Office of the Vice President and General Counsel
16. Mediation services for faculty & staff, 30 September 2002

Chair Koopmann convened the meeting at 3:15 P.M. The proposed agenda was adopted.

CONSIDERATION OF THE MINUTES OF 15 APRIL 2002

The minutes of 15 April 2002 were approved as submitted.

INTRODUCTION OF NEW SENATE ASSEMBLY MEMBERS

Chair Koopmann asked new members of the Assembly to introduce themselves to the rest of the body.

ANNOUNCEMENTS/UPDATES

Chair Koopmann announced:

1. President Coleman will address the Senate Assembly on 14 October 2002.
2. The Senate Assembly will host a Regent Candidates' Forum on 14 October 2002.
3. The Senate Assembly's annual Academic Freedom Lecture will occur on 31 October 2002.
4. Senate Assembly committee memberships are listed in distributed item 8.
5. SACUA members Berent and Gobetti have been meeting with members of the Office of the Provost in an effort to improve grievance procedures.
6. A subset of SACUA members met with Athletic Director Martin over the summer.
7. Chair Koopmann met with Barbara Butterfield from Human Resources regarding benefit package changes. More details will be forthcoming later this fall. Comparison data are being assembled for information purposes.
8. Individual members of SACUA have been named to search committees for Executive Vice President for Medical Affairs, Vice President for Development, and Chief Financial Officer.

FACULTY PROBLEM SOLVING RESOURCES

Chair Koopmann introduced Ms. Mary Mandeville from the Faculty Senate office. Ms. Mandeville reviewed the history and current operation of the Faculty Ombuds. She also called attention to distributed item 9, regarding on-line problem solving resources. Then, Professor Berman, recently retired from LSA, spoke about his experience and perspectives gained while serving as faculty ombuds. He stated that he is currently preparing a report with recommendations, but that he would present a verbal preview of its content. Berman said that he had received inquiries from more than 30 people during his 2-year term of service and that durations of cases were highly variable.

Professor Berman observed that 33% of his cases came from outside of LSA, which he said indicated that there is distrust about filing a grievance in a home unit. He explained further that 60% of his cases were initiated by females, and that 30% of his contacts were foreign born. Berman described the seasonal progression of concerns, commencing with parking problems during spring-summer, and moving next to issues of tenure denial at the department level. He said that grade grievances emerge at the end of semester; he pointed out that some units have no process in place to handle such grievances.

Professor Berman reported that many concerns have at their root the existence of inflexible bureaucracies. He said that there was continuing concern raised about merit salary increases and how they are determined. He said faculty want more transparency in

how the salary increases are determined. Additional concerns arise in cases of tenure denial, particularly when faculty bring in letters of hire that stipulated expectations, only to be told that the rules changed in mid-term. In some cases, the third year reviews were favorable, but subsequently standards changed.

Berman reported that additional complaints tended to involve favoritism in job searches, insufficient mentoring, and chaos in departments caused by revolving chairs with changing standards. He also cited cases of generalized harassment via e-mail, late night phone calls, and other tactics. He said he was occasionally asked by administrators how to marginalize faculty and create hardships. He said he learned of cases where lab space and office space was seized and taken away without warning. Other cases involved plagiarism and research hijacking.

Professor Berman ascribed some of the problems to low morale and leadership vacuums caused by a cascade of vacuum from high administrative levels. He said that his report would feature several conclusions including:

1. There is great inconsistency across departments.
2. There is great range in leadership style.
3. Many faculty who might grieve are clearly afraid.
4. Many chairs are unaware of grievance procedures.
5. There ought to be better enticements to bring people into the ombuds job.

Professor Berman was followed at 3:45 P.M. by Ms. Sally Johnson from U-M Mediation Services. She distributed item 16 and made remarks parallel with the document. A member of the Assembly asked how Johnson proceeds if one party sees no problem as existing. Johnson replied that 80 to 90 percent of the time the reluctant party agrees to cooperate so they don't look like the bad guy. Professor Brown asked how frequently one party expresses total surprise. Johnson said it happens quite frequently, maybe 60% of the time.

Ms. Glenda Haskell spoke next about Student Conflict Resolution. She reviewed her role and the role of offices in the Rackham School of Graduate Studies. She called attention to distributed items 12, 13, and 14, and she mentioned that additional resources are available on Rackham's website.

Associate Provosts Valerie Castle and Jeffrey Frumkin then spoke about Faculty Grievance Procedures at 4:05 P.M. Castle announced that Ms. Glenda Haskell would soon join the faculty affairs cluster in the Office of Provost. Castle acknowledged that there have been concerns raised about the grievance process. She said efforts were aimed at changing the process to make it a little more fair for faculty particularly when the dean is the respondent. She said that the administration was developing a training program for faculty who serve on Grievance Review Boards. She noted that it is hard to get faculty to serve on GRBs because of the implications of service. Frumkin said that the academic managers leadership program was being started with the purpose of providing chairs and associate deans with additional tools sets and skill sets.

Castle said that her door is open to faculty. She said that she and J. Frumkin counsel faculty. She explained that discussion with them does not mean the provost would be involved. She said that the provost has to maintain a certain level of objectivity, and that they maintain that status.

Professor Burdi asked whether conditions of faculty appointments were sufficiently codified in terms of expectations. Chair Koopmann pointed out that a report from the Tenure Committee relevant to that issue has been in limbo owing to administrative leadership flux. Castle responded that the Office of the Provost has several documents that are relevant. She referred to website-accessible information about merit review and third year review guidelines.

D. Sharphorn from the Office of General Counsel spoke at 4:15 P.M. He referenced specific discussions he had held with SACUA members on 26 August 2002. He referenced distributed item 15 and his office's web page. Sharphorn stated that on grievance issues, the OGC is not like an outside firm serving individuals. He said they are not a confidential office and that communications with the attorneys are not off the record. He said that they can't provide advice as if they were the faculty members' own counsel.

Chair Koopmann remarked that SACUA had raised significant questions about when the general counsel might switch its position away from faculty who voiced concerns to defense of administrators. He mentioned the possibility SACUA had discussed with Sharphorn on 26 August about establishing a second office that would represent the faculty, analogous to models used within the military. Sharphorn replied that the second issue would entail a significant policy decision, but that it is a reasonable thing to think about. Regarding the first question, Sharphorn stated that he is not that person's individual counsel and that he would be obliged to pass along whatever information he gained. He acknowledged that it could be risky for a faculty member to contact the OGC and that it is better to use an ombuds than to expose themselves directly.

Professor Brown asked whether informality of appointment conditions is a problem. Sharphorn replied that faculty could answer that question better than he could. He noted that standards and directions change over time. He acknowledged that the administration certainly could do a better job.

A member of the Assembly stated that he was aware of a faculty member who had a dispute with the chair, and won the resulting lawsuit. Subsequently, however, the faculty member was encouraged to leave the university but was unable to find employment in same field, and had to return to graduate school for a new degree. He asked if there have been any long term analyses of such disputes and their outcomes. Sharphorn replied that he was not aware of any. Professor Berman pointed out that there may be many faculty who fear retribution. He said that he had certain knowledge of one case in which there was an iactive poisoning of the well when faculty went to look at other appointments elsewhere.

Chair Koopmann asked Professor Berman to share more of his intended recommendations with members of the Assembly. Berman responded that LSA needs multiple ombuds, perhaps 6 to 8. He recommended 2-year staggered terms. He noted that the University of Colorado in fact pays ombuds for their service. He said that summary reports should be prepared by each ombuds. He voiced the need for training and education for department chairs. He acknowledged that it was difficult to measure the efficacy of the office, and he wondered if letters of inquiry to past contacts might help, or whether a survey of faculty at large might be informative.

Chair Koopmann invited the provost to react to the discussion at 4:40 P.M. Provost Courant characterized the discussions as interesting. He said there was a need for a variety of problem-solving mechanisms, both formal and informal. He said that having a well specified set of policies and procedures is essential, but that informal methods are often best for a sense of community.

Professor Tropman declared that he had found the discussion disheartening. He noted that the attempted remedies were driven mainly by failures in the system. He said that in his own experience the problems arise from poor managers. He said that he gained perspective by serving twice as a GRB member. He had concluded that at the front end the administration puts people in charge who are unprepared. J. Frumkin reacted that he was not going into his leadership training program with the expectation that we have poor managers. Professor Tropman replied that untrained is analogous to poor. He said that he was inviting the administration to step up to a higher standard. He suggested that the administration set the same standard for running the university as for performing in it. V. Castle said that there have been some cases in which her office has intervened on behalf of faculty.

Provost Courant said that for many faculty who become chairs, associate deans, or directors the word training is not a positive term. He said that if the administration required a four day training program, they would lose people who would be good in those jobs. Chair Koopmann called for conclusion of discussion on the current topic at 4:50 P.M.

OLD BUSINESS

There was no other old business.

NEW BUSINESS

There was no other new business.

The meeting adjourned at 4:50 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.

September 30, 2002 Senate Assembly Meeting Agenda

3:15 pm Call to Order / Approval of Agenda

3:20 pm Consideration of Minutes of April 15, 2002

3:25 pm Announcements and Updates

1. President Coleman's Address ñ October 14
2. Regent Candidates' Forum ñ October 14
3. Academic Freedom Lecture ñ October 31
4. Role of the Senate Assembly Committees
5. Faculty Grievance Procedures Revision

Valerie Castle (Associate Provost)
Jack Gobetti (SACUA Vice Chair)
Stan Berent (SACUA)

3:30 pm Faculty Problem Solving Resources

1. Faculty Ombuds Program (10 min)
Eric Berman (LSA Omsbud)
2. Mediation Services (10 min)
Sally Johnson (Director)
3. Student Conflict Resolution (10 min)
Glenda Haskell (Assistant to the Dean of Rackham)

Robert Holmes (Student Affairs Ombud)

4. Faculty Grievance Procedures (10 min)
Valerie Castle (Associate Provost)
Jeff Frumkin (Assistant Provost)
5. Office of the General Counsel (20 min)
Dan Sharphorn (Deputy General Counsel)

4:30 pm Old and New Business

4:45 pm Adjournment