

THE UNIVERSITY OF MICHIGAN

SENATE ASSEMBLY

MINUTES OF OCTOBER 21, 1991

ATTENDANCE

Present: Billi, Birge, Bord, Borgsdorf, M. Brown, Burdi, Cameron, Chiego, Cowan, D'Alecy, Diana, Debler, Didier, Douthit, Duell, Eggertsen, Gazda, Gidley, Goepfinger, Green, Griffin, Gross, Hollingsworth, Jenkins, E. Jensen, Kabamba, Katehi, Kimeldorf, Loveland-Cherry, MacAlpine, Marcelo, Montalvo, Mosher, Olson, Penchansky, Porter, Ruff, Russell, Schwank, Schwartz, Silverstein, Simpson, C. Smith, Steneck, Tentler, Teske, Tinkle, Veroff, Vinokur, Warner, Watkins, Whitehouse; Schwartz, Schessler, Thorson, Heskett.

Absent: Angus, A. Brown, Cole, Cox, Crandall, Fellin, Hayashi, A. Jensen, Koopmann, Kramer, Kunkel, Larson, Morley, Mosberg, Papalambros, Razzoog, Senkevitch, G. Smith, Stein, Wheeler, Woo, Woods, Yang.

MINUTES

The minutes of September 16 were approved as submitted.

ANNOUNCEMENTS

U.S. Senators Donald Riegle and Carl Levin have expressed their support of the Senate Assembly's resolution opposing Department of Defense and Reserve Officer Training Corps (ROTC) policies excluding lesbians and gay men.

Diana read a letter addressed to Professor Anita Hill from some UM faculty members. The text of the letter is available from the Faculty Senate Office.

The sexual harassment policy was approved, with some modifications, by the Regents on October 18.

Reports by the President's Advisory Commission on Women's Issues (PAC Women) and the Study Committee on the Status of Lesbians and Gay Men were distributed through campus mail to Assembly members. The PAC Women report outlines a strategic plan for women mandated by President Duderstadt; it also raises issues related to the numbers of women in the "educational pipeline" for various disciplines. Sexual harassment and recognizing the needs of students with families are two main issues in this report. SACUA has also addressed many of these issues. Assembly members were asked

to consider whether there are additional related issues the Assembly should discuss.

The text, excluding the appendices to reduce costs, of the gay/lesbian report was distributed. The report seeks a more open climate for gay men and lesbians on campus. Another goal is to educate the community on these issues. One suggestion is to integrate sexual orientation issues into the curriculum. ROTC issues were also raised in the report. A primary objective is to improve student services for gay men and lesbians. How should the Assembly respond to the report? Please read the report and provide suggestions to Diana on E-mail regarding the next step for the Assembly to take in regard to these issues.

SACUA is considering undertaking a study on the retention of faculty women.

ANNUAL REPORT OF THE COMMITTEE ON THE ECONOMIC STATUS OF THE FACULTY (CESF), EUGENE IMHOFF, 1990-91 CHAIR, AND LIFTING OF THE RETIREMENT CAP, FRED BEUTLER, 1991-92 CESF CHAIR

**CESF Annual Report**

The three most significant issues were: 1) changes in resource allocation between faculty and non-faculty; 2) comparison of UM faculty salaries to those at other universities; and 3) unfunded future health care costs for active and retired employees.

1) CESF last year examined data to assess whether the allocation of resources was consistent with the mission of the University. From the years 1985-86 to 1989-90 the FTE (full-time equivalent) headcount of faculty increased 9%, and non-faculty increased 20%. The ratio between noninstructional to instructional staff was 3.37 to 1 in 85/86 and 3.7 to 1 in 89/90. After the presentation to the Regents in the Fall of 1990, it was suggested that CESF get "better data". In the Spring, a report was issued from Associate Vice President for Academic Affairs Robert Holbrook comparing 1980 to 1990 in all fund sources, including general funds. The FTE ratio between noninstructional to instructional staff in 1980 was 3.3 to 1 and in 1990 3.6 to 1. The percent change was +8.3% faculty and +16.6% noninstructional staff. Despite decentralization, there are more administrators in central administration than there are faculty members at the University.

2) Faculty salaries of 19 peer schools were ranked. The ranks for UM in 1990/91 are: Full Professors 13th, Associate Professors 4th, and Assistant Professors 7th. The salary rate growth of noninstructional staff has been higher than that of faculty, although noninstructional staff are usually lower paid.

3) The funding of health care costs is of national importance. Last year, approximately \$7 million were spent for retiree health care costs. The full annual cost for retirees and active employees is actually about \$33 million, the amount that would need to be funded now in order to keep the unfunded obligation from continuing to grow. The conservative estimate for all unpaid liabilities equals \$200 to \$300 million. No money has been set aside to cover these costs. These costs could have a major impact on the University's budget 20 years from now.

Could the University refuse to honor these obligations? So far litigation has favored retirees. It is possible that eventually such costs could cause bankruptcy, especially for some "smokestack" industries.

Is there any data on male/female salary ranks by schools? Assembly members disagreed about whether such data exist.

Do retirees have better benefits than current staff? No. It is likely that benefits to active employees will be reduced. Vesting is one way of handling this issue. Currently, the "rule of 80" exists: an employee's age plus years of service must equal 80 in order to be able to retire and receive full health care and life insurance benefits.

Why were headcounts and not dollars used in determining the percent of resources for non-instructional activities, and do we have data from peer institutes? Non-general fund dollars are difficult to study. CESF does encourage the University to gather peer data ratios, but they are not necessarily evidence of how effectively we are using our resources.

#### **Lifting of the Retirement Cap**

Immediate attention has been placed on the removal of the mandatory age-related retirement. Since senior faculty are paid more, lifting of the "retirement cap" could have a major financial impact on the University, as well as reducing the flexibility to hire new faculty. It could be advantageous for the University to guarantee ancillary support services for retirees. Sabbaticals will continue to be available irrespective of a faculty member's age. Questions arise as to whether faculty can begin to receive annuities while working part-time and whether retirees who work part-time should be contributing to their retirement fund. There has been no real response from the university administration on these issues. Some faculty just starting retirement when the new law came into effect on May 1 are having some problems with coming back into active status. It has been left up to the unit heads to determine how to handle these situations.

Diana congratulated Imhoff and Beutler for their commitment to CESF and thanked them for their work. The Assembly applauded their efforts.

RICK SHAW, DIRECTOR OF UNDERGRADUATE ADMISSIONS

Shaw distributed the mission and policy statements of the office. Since he became Director in 1988 Shaw has tried to change the approach to recruitment and outreach. His priority is to select students who are academically excellent and diverse culturally, geographically, economically, and socially. There was a 5% increase in applications (17,700) this year despite the decline predicted demographically; non-resident applications also increased. A total of 11,500 students were admitted. The average GPA of admitted in-state students (3.57) is higher than that of out-of-state students, while the average SAT (1172) is higher for out-of-state than in-state students. At the UM, 70% of the undergraduate students are Michigan residents. The UM is striving to attract a more diverse class. This freshman class is the most diverse ever, African/American 7.6%; Native American 0.6%; Asian 8.1%; and Hispanic 3.8%. The office handles approximately 2,000 transfer applications, and this year over 900 were admitted. The admissions office recruitment program is very active and works closely with high schools and colleges. Shaw is seeking more faculty involvement in the recruitment process, including encouraging top students to come to UM through phone calls. Retention issues are critical, especially for at risk students.

What is the drop-out rate for students? We retain 95% of all freshman students; we have no exit interviews.

Does the University give student athletes special consideration for admission? No, we don't have special admissions criteria for athletes. At-risk students go through a rigorous admissions process. We seek athletes who will graduate.

Shaw will answer via MTS the other questions he received prior to the Assembly meeting.

DISCUSSION OF LEGAL DEFENSE OF FACULTY

The panel included: Fred Beutler (Chair, CESF), Elsa Cole (General Counsel of the University), Kay Dawson (Assistant to the Provost), Wilfred Kaplan (AAUP) and Dan Sharphorn (Assistant General Counsel). Diana began the discussion, stating that faculty will be protected by the University counsel when carrying out their employment responsibilities in good faith. Internal disputes are attempted to be solved outside the legal system. If

internal procedures fail, then the issue can become a legal one. The Provost is willing to appoint a faculty ombudsperson to deal with grievance issues. Diana reminded the Assembly that the purpose of today's discussion was to decide whether or not to appoint a task force to further investigate these issues.

Dawson explained that the legal defense and indemnification policy (distributed to all members) is a codification of long-standing UM policy. The policy covers all faculty and staff employees. Decisions of whether the University will provide defense is made by the Provost for academic personnel and by the Chief Financial Officer for other staff.

Cole stated that it is very rare that the University would not represent faculty.

An Assembly member stated that, in cases of faculty against the Chair or against the Dean, the administration historically has aided the Dean.

How does the AAUP interact with the University on these issues? Kaplan explained that helping the faculty is their duty.

One member suggested that the Assembly pass a rule to prevent a faculty member from grading a student who sued him.

Sharphorn described typical activities in the General Counsel's Office on faculty matters. The Counsel's office cannot help with consulting or publication contract issues. Accusations of plagiarism would be defended. If charged with committing a crime, since criminal acts are not part of faculty members' jobs, they probably would not be defended. For administrative hearings, no counsel is provided.

Kaplan stated that AAUP receives approximately 5-6 cases each year.

Is it possible that an investigation regarding a faculty member's conduct could go on for 6 months without that person being aware of the process? Isn't it appropriate to inform the faculty member of the investigation? Cole responded that the law requires that the person be informed of pending disciplinary action. The law does not give the accused the right to know that an accusation has been made.

Jensen proposed that a task force be created by Diana, with appointments to it made by SACUA, to examine what our needs are, how other universities handle this issue, etc. The report should be completed by the end of the year.

The motion to set up the task force was passed unanimously.

ADJOURNMENT

The meeting was adjourned at 5:16 p.m.

Respectfully submitted,

Diane G. Schwartz  
Senate Secretary