

Minutes of 22 October 2007  
Circulated 25 October 2007  
Re-Circulated 19 November 2007  
Approved 19 November 2007

THE UNIVERSITY OF MICHIGAN  
SENATE ASSEMBLY MEETING  
22 OCTOBER 2007

**Present:** Abdo, Altschuler, Andjelkovic-Zochowska, Anspach, Brock, Currie, Eagle, Fitzgerald, Fossum, Fraser, Geary, George, Graham-Bermann, Green, Gull, Karni, Ketefian, Lehman, Li, Lomax, MacAdam, Maher, Maybaum, Navvab, Potter, Powell, Queen, Reisch, Riles, Rothman, Smith (Chair), Stark, Thornton, Thouless, von Buelow, Wakefield, Ziff

**Alternates:** None

**Absent:** Adriaens, Avi-Yonah, Becker, Boxer, Brophy, Brown, Carson, Denver, Dey, Ensminger, Friedman, Frier, Frost, Garton, Hesseltine, Hirshorn, Jackson, Kabamba, Kosch, Maddock, Mahalingam, Mehta, Moore, Mueggler, Patil, Peters, Poe, Primus, Rahme, Roe, Sabel, Samson, Sellers, Stoolman, Sweeney, Thompson, Volling, Younger

MATERIALS DISTRIBUTED

1. Senate Assembly agenda
2. Draft minutes of the Senate Assembly meeting of 24 September 2007
3. Flyer for the 17<sup>th</sup> Annual University of Michigan Senate's Davis, Markert, Nickerson Lecture on Academic and Intellectual Freedom, "Defending Freedom: Even for the Thoughts We Hate", to be presented by Nadine Strossen, President of the American Civil Liberties Union and Professor of Law, New York Law School, 4:00 pm, 7 November 2007 in the Honigman Auditorium, UM Law School.
4. Contribution form for the University of Michigan Faculty Undergraduate Scholarships
5. Draft Item for Action concerning the Proposal by the [Coalition on Intercollegiate Athletics \(COIA\)](#) on Reforms in Intercollegiate Athletics
6. "[Framing the Future: Reforming Intercollegiate Athletics](#)", The Coalition on Intercollegiate Athletics (COIA), adopted on 15 June 2007 by vote of the Coalition membership
7. Big Ten Conference – 2006-07 Handbook
8. Draft Item for Action concerning endorsement of the "Addendum to Publication Agreements for CIC Authors" and of a review of the University copyright policy
9. [Statement on Publishing Agreements](#) of the [Committee on Institutional Cooperation \(CIC\)](#), 19 June 2007
10. [University Copyright Policy](#) as approved by the Regents on 14 November 2002

The meeting was convened by Chair Smith at 3:15 P.M. The draft agenda was approved.

CONSIDERATION OF MINUTES

The minutes of 24 September 2007 were approved as submitted.

## ANNOUNCEMENTS

1. Chairs of Faculty Governance groups at UM-Dearborn and UM-Flint are attending the meeting today.
2. The Senate's 17<sup>th</sup> annual Davis-Markert-Nickerson Lecture will be hosted on 9 November at 4 P.M. in the Law School
3. President Coleman has re-initiated proceedings under Regents Bylaw 5.09 to dismiss or demote a tenured faculty member. The charge is that the professor has declined once again to teach a new upper division lab course that was assigned to him. Last year the president charged the executive committee of the professor's unit to conduct the RB 5.09 proceeding with an identical charge. At that time, the executive committee found that the professor's action did not rise to a level where dismissal or demotion was appropriate. Again this year the department chair assigned the professor to teach the same new course, and again the professor declined. Against the majority advice of SACUA, the president opted to initiate a new proceeding this year within the same unit, using the exact same membership for the hearing committee as heard the case last year.
4. The Faculty Need-based Undergraduate Scholarship Fund has reached only 25% of its goal. The committee is now chaired by Professor Meerkov. Students from all 3 campuses are eligible to receive scholarships from the fund.
5. The provost will address the Assembly on 19 November 2007

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## ACTION OF SENATE ASSEMBLY 102207-1

Professor Potter introduced a proposed Action Item placed before the Assembly by SACUA

### COIA Proposal on Reforms in Intercollegiate Athletics

*Whereas the Senate Assembly of the University of Michigan finds that the proposals of the Coalition on Intercollegiate Athletics are generally in accord with the values of the University of Michigan, it hereby endorses the goals of these proposals.*

### **Discussion of the Active Motion-**

A member of the Assembly expressed reservations about a provision in the COIA proposals that he said might adversely affect educational opportunity for African-American student athletes. Professor Potter replied that there was no intention to create adverse effects.

Professor Ketefian asked how much faculty oversight there was at the UM campus about academic performance of student athletes. Professor Potter described the operation of the Academic Performance Committee of the Advisory Board on Intercollegiate Athletics. He said that the APC operates with votes cast exclusively by faculty.

A member of the Assembly expressed concern that there was no mechanism for enforcement of the proposals. Professor Potter acknowledged that it was a weakness, but that Division I athletics were extremely complex and subject to external pressures.

### **Vote on the Active Motion:**

Number approving- all but one

Number disapproving- one  
Number abstaining- none

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**ACTION OF SENATE ASSEMBLY 102207-2**

Professor MacAdam introduced a proposed Action Item placed before the Assembly by SACUA.

**Resolution on Copyright Policy**

*Recognizing how important it is that the University of Michigan maintain a copyright policy that serves the best interests of both the University and its faculty authors, Senate Assembly endorses in principle the “Addendum to Publication Agreements for CIC Authors” and the University Library’s additional efforts on behalf of University authors’ rights in the Library’s negotiations with publishers. At the same time, Senate Assembly further recommends that the University’s current copyright policy be reviewed and rewritten in order to clarify and strengthen the ownership rights of faculty in the instructional and scholarly works that they create. To that end the Senate Assembly endorses the establishment of a joint faculty and administration committee to draft a new policy.*

**Discussion of Active Motion-**

Professor Ketefian asked what support will be available to faculty as they negotiate with large publishing firm. Professor MacAdam said that there were people in the Intellectual Properties office and the Office of General Counsel who can be consulted. GC Bernard explained that the OGC could not represent individual faculty in their own negotiations. He said he wishes the faculty could have the same legal services that students enjoy.

Professor Riles asked whether a list could be constructed by the OGC of publishers whose practices already conform to the ideal. GC Bernard replied that Riles’ suggestion was a good one.

**Vote on the Active Motion-**

The Action won unanimous approval.

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**VISIT OF PROFESSOR EMERITUS IRWIN GOLDSTEIN**

Chair Smith welcomed Professor Emeritus Goldstein and invited him to address the Assembly at 3:55 P.M. Professor Goldstein outlined concerns shared by over 600 UM faculty and staff about the planning process that was used to authorize renovation of Michigan Stadium. His remarks are included as an Appendix to these Minutes. His presentation ended at 4:07 P.M.

Professor Riles read a statement for the Minutes:

*I signed the petition opposing the stadium renovations. Although I do oppose the luxury skyboxes for many reasons, that is not why I signed the petition.*

*I signed because I object to the process that was followed. Faculty were not adequately consulted on this quarter-billion-dollar project.*

*I was on SACUA when the project was first sent to the Regents for approval. Our committee was not consulted on the plans or even informed that the plans were going to the Regents at their Dearborn meeting in May 2006.*

*The administration's choice to add the proposal to the Regents' agenda at the last minute, precluding public comment on it, added to the sense that the administration was afraid of serious debate.*

*In short, U-M administrators behaved more like oil company executives evading environmentalists than stewards of this university community.*

*Serious concerns have been raised by faculty about the stadium renovations, concerns that merit an open forum where proponents and opponents can present their arguments.*

*It is extraordinary that more than 600 faculty and staff signed a petition that is so critical of the process that was followed for this project.*

*I hope President Coleman now recognizes the mistake she made in bypassing the faculty on this project and will ensure that future large projects are thoroughly discussed with faculty in the planning stages.*

A member of Assembly commented that 600 signatures is not proof of widespread dissatisfaction. He said that he thinks the renovation is a popular project and that he does not accept claims of negative financial consequences. Instead, he thinks it is a popular project and will make money. Professor Riles responded that in the 2006 AEC survey more faculty opposed the renovation than favored it [“Q1: I support the proposed addition of skybox seating to the Michigan Stadium. SA= 95; A= 169; N= 269; D= 155; SD= 285” (<http://aec.umich.edu/results2006/Agai.php>)].

A member of the Assembly asked whether ticket prices were being increased to finance the renovation. Professor Goldstein replied that many people have given up their tickets on the principle that they should not be taxed for the opportunity to buy tickets. The member responded that just because people are willing to pay the money does not mean it is in the best interest of the U-M.

Professor Ketefian stated that she supported Professor Goldstein’s position. She said it is important for faculty to keep their perspective on academics. Professor Wolfe likewise voiced support for Goldstein’s position. He said that here is an opportunity to take a stand on behalf of faculty.

Professor Pollack asked Professor Goldstein what response he had received from President Coleman and the Regents. Professor Goldstein replied that there was no response to his communication.

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ACTION OF SENATE ASSEMBLY 102207-3

Professor Riles moved that the Senate Assembly urges the President and Board of Regents to reconsider the Stadium Renovation project in light of arguments presented by Professor Goldstein and the serious concerns raised by more than 600 faculty and staff through their petition (two seconds).

Vote on the Active Motion-

Number approving- 18

Number disapproving- 7

Abstentions of record- 3

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OLD/NEW BUSINESS

Professor Abdoos offered an item of information from the committee on recreational sports. She said that last month the committee took up the question of increasing the fees charged to faculty and staff. As a result of vote by secret ballot the committee agreed by margin of one vote to increase fees by \$5 starting in January.

Professor Abdoos next suggested a topic for future Senate Assembly deliberation. She pointed out that Fall Study Days seem to have become Fall Break. She expressed concern that some units are not using the time for academic preparation as was the original intent.

The meeting was adjourned at 4:25 P.M.

Respectfully submitted

John T. Lehman  
Senate Secretary

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**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.

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APPENDIX

Senate Assembly Presentation

Irwin Goldstein

10/22/07

Thank you Mr. Chairman and esteemed colleagues. I appreciate this opportunity to address this

body, which represents the faculty of this great university. I am Irwin Goldstein, Professor Emeritus of Biological Chemistry. I came to the University of Michigan in 1965, and I've now been a faculty member here for 42 years. For 13 of those years, I served as Associate Dean for Research and Graduate Studies in the Medical School. I also served as Interim Chair of the Department of Biological Chemistry for approximately 2 years. I continue to run a research laboratory under an NIH grant which is now in its 40th year, one of the longest running grants at the University. And not incidentally, I am a long-time supporter of Michigan athletics. I've attended football games for four decades and have been a season ticket holder for the last 30 years.

I am here to talk about the controversial renovations proposed for one of the most iconic structures at the University, Michigan Stadium. I am also here to talk about what the process surrounding this controversy reveals about faculty input – or the lack thereof – in major University decisions. And, never one to simply criticize, I am also here to lay out some possible solutions.

Let me first state that I believe that President Mary Sue Coleman, the Regents, Athletic Director Bill Martin and the U-M faculty ALL want what they believe is best for the University of Michigan. I do not question people's motives.

But I and hundreds of other faculty and staff do question the wisdom of the \$226 million luxury box plan for Michigan Stadium. Despite the administration's claims, opportunity for public and faculty input has been limited at best. And the fact is that many in the university community have serious concerns about the luxury box plan. The breadth and depth of that concern is perhaps best documented by the signatures of more than 600 UM faculty and staff on the petition I share with you today. They oppose the current plan, and call for a new stadium planning process that is open, inclusive and transparent. As their elected representatives, I hope you will consider their deep concerns.

Most people in the Michigan family agree that Michigan Stadium must be renovated. There is also a broad consensus that renovations should include a new press box, wider seats, additional bathrooms and concession stands, and expanded seating that complies with the Americans with Disabilities Act. A team of U-M trained architects actually developed a plan that would achieve these goals, add another 10,000 seats to finance the renovations, and do it all for about \$91 million – dramatically less than the cost of the luxury box plan. But the University paid no attention, even when Fielding H. Yost III (Yost's grandson) traveled to Ann Arbor to present this so-called "Big House" Plan at the Michigan Union.

Quite apart from these concerns, the luxury box plan raises other, serious issues:

- The luxury box plan requires academic programs to subsidize the huge debt service on construction of the boxes. How? Because the commercial paper issued to finance the project's cash flow will be backed by the *full faith and credit* of the University. Default or not, this guarantee will drive up borrowing costs for Michigan's academic projects for decades to come. This is a direct breach of the line between academics and athletics, a line that the University has always said it would never cross.

Here's some historical perspective. When Fielding Yost was raising funds for the present stadium, he believed there would be no problem selling the necessary bonds. He was terribly wrong! It was the start of the depression and selling the bonds proved very hard. And it took many, many years to pay off the costs of the stadium.

Today, Michigan is in recession. The auto industry is in a tailspin. Ford is on the verge of bankruptcy. And the state is losing thousands of jobs. Yet the administration seems to think it will have no problem leasing 83 private luxury boxes at prices of up to \$85,000 apiece, per season, not including the price of tickets. Even if all the boxes are leased, they do not generate enough revenue to pay for their own debt service. In fact, they require a \$40 million subsidy up front from athletic department reserves, and interest rates subsidized by academic programs. What is a key source of those athletic department reserves? The expensive seat license program that has already driven some faculty and staff away from football games.

- Another problem with the luxury box plan is that it violates the Americans with Disability Act, or ADA. According to the ADA, if U-M alters the stadium, it must make 1% of its seating capacity wheelchair accessible. That would mean adding about 1000 wheelchair seats. But the administration says the renovation is not an alteration, but merely a "repair." Now we find U-M defending itself in federal court, sued by the Paralyzed Veterans of America. Is a federal judge going to buy U-M's argument that \$226 million in luxury boxes – end zone to end zone, both sides of the field, twice the height of the current press box – constitute merely a "repair" to the stadium, and not an alteration? The trial is set for next September, and yet the administration has announced it will break ground this fall, two days after the Ohio State game.
- A third and final issue is the increasing Congressional scrutiny of tax breaks for private luxury boxes. On October 10, NBC Nightly News ran one of its segments on "The Fleecing of America," which often highlight subsidies that benefit a privileged few at the expense of most taxpayers. Citing "extreme stadium makeovers" such as the one pending here at Michigan, NBC focused on growing scrutiny of tax breaks enjoyed by the wealthy when leasing luxury boxes at college stadiums.

The piece, unfortunately, began and ended with footage of the University of Michigan. Is this the sort of image we want the UM to project? And what happens if Congress eliminates the tax break for luxury boxes? Will U-M be able to rent those boxes when their occupants receive no tax break?

I could go on, but the point is clear. The luxury box plan is a quarter-billion-dollar project that is out of step with the University's core missions of research and education. It was approved by a rare divided vote of the Board of Regents, with essentially no faculty input. And it should be viewed in a broader context. In 2001, the Regents quietly changed the Board in *Control* of Intercollegiate Athletics to the *Advisory Board on* Intercollegiate Athletics. In other words, faculty lost the control and oversight they had exercised over athletics for decades.<sup>1</sup>

Now, don't get me wrong. I love Michigan athletics! I'm as big a fan as they come. But I think we as faculty need to reassert greater oversight of intercollegiate athletics at Michigan.

So I respectfully propose the following:

- 1) That this body acknowledge the broad dissent over the current luxury box plan by incorporating the petition I have presented (which has been delivered to the President and the Regents) into the minutes of today's meeting.
- 2) That this body urge U-M to put planned stadium construction on hold until the federal lawsuit is over or a settlement is reached that provides for equal stadium access to all fans, regardless of disability, in compliance with the ADA.
- 3) That this body call on U-M not to move forward with any stadium plan that subsidizes construction at the expense of its academic mission.
- 4) That this body urge U-M to upgrade the stadium equally, for all fans, and to re-initiate a planning process that is open, inclusive and transparent.
- 5) And finally, and most important of all, that this body initiate a process, in collaboration with the Regents, to reconstitute the Board in *Control* of Intercollegiate Athletics, restoring proper faculty oversight of the Athletic Department.

I do not make these recommendations lightly. I have devoted 42 years to this institution, and I love it dearly. But as I have watched the luxury box plan unfold, I have been grown more and more troubled. And In recent months, as I have walked the halls of this campus collecting signatures, I have listened over and over again to the concerns of my fellow colleagues over what is happening. But complaints only go so far. Only if we as faculty are willing to take action — strong action — will we reassert our proper voice in major university decisions, and safeguard the values and priorities of one of the world's great public universities.

Thank you for your consideration.

<sup>1</sup> [http://www.umich.edu/~urecord/0102/Nov19\\_01/9.htm](http://www.umich.edu/~urecord/0102/Nov19_01/9.htm) (University Record, November 19, 2001)