

Minutes of 26 November 2001
Approved 28 January 2002

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

ATTENDANCE

Present: Akerlof, Antonucci, Barsky, Boyd, Burdi, Cho, Elenbogen, Erickson, Faerber, Fisher, Frost, Gobetti, Green, Karnopp, Karr, Keller-Cohen, Ketefian, Koopmann, Lehman, Lindner, Masson, Moore, Moseley, Navvab, Norris, Okada, Overmyer, Pedraza, Powell, Raisler, Reisch, Remick, Riebesell, Sears, Thornton, Ward, Yeo

Alternates: none

Absent: Alcock, Alfred, Andersen, Andrews, Askari, Atreya, Bhavnani, Brown, Brusati, Clark, Combi, Dick, Drach, Frier, Gould, Gull, Guthrie, Hall, Hills, Jacobsen, Juster, Karni, Korobkin, Lithgow-Bertelloni, Lubeck, Marcelo, Mateo, McDonagh, Ni, Page, Peterson, Rocchini, Savage, Taghaboni-Dutta, Uribe, Vicinus, Watkins, Yakel

MATERIALS DISTRIBUTED

1. Senate Assembly agenda
2. Draft minutes of the Senate Assembly meeting of 29 October 2001
3. SACUA Nominating Committee Ballot
4. Bylaws of the Regents of the University of Michigan, Section 11.21 to 11.218, with proposed revisions.
5. Some technical problems with the proposed by-laws dealing with the Advisory Board on Intercollegiate Athletics, undated
6. SACUA Intercollegiate Athletics Information Document
7. Big Ten Athletic Boards Responsibilities
8. Proposed new Regents' bylaw on the Life Sciences Institute, The University Record, 19 November 2001

9. Electronic mail messages to SACUA from J. Riebesell regarding Life Sciences Institute bylaw, undated.
10. Memorandum from James L. Hilton to M. Navvab, dated 12 November 2001, regarding preliminary recommendations from the president's copyright policy committee.
11. Draft Copyright Policy for Works Created at or in Affiliation with the University of Michigan
12. Principles of Teaching. Report from the Academic Affairs Advisory Committee, dated 1 June 2001.

Chair Navvab convened the meeting at 3:18 P.M. The proposed agenda was adopted.

CONSIDERATION OF THE MINUTES OF 29 OCTOBER 2001

The minutes of 29 October 2001 were approved as submitted.

ANNOUNCEMENTS

Chair Navvab reported:

1. The president will speak with the Assembly today. He will speak about the proposed Bylaw changes governing the Athletics Department. Also, he will extend thanks to retiring SACUA members. In addition, the Senate Assembly will have the opportunity to wish him well in his future pursuits.
2. Items of business today will include proposed Regental Bylaws for the Athletic Department and the Life Sciences Institute. In both cases, the time for deliberation is too short for meaningful engagement by elected faculty groups. Distributed item 6 points out some of the problem issues.
3. SACUA has three responsibilities: (a) to act as watchdog for major issues, (b) to keep the faculty informed, and (c) to anticipate arising issues.

VISIT OF PRESIDENT BOLLINGER

The guest arrived at 3:27 P.M. Chair Navvab announced that retiring members of SACUA were being recognized formally for their terms of service. He explained that SACUA meets every Monday from 1:30 to 4:30 for 11 months of the year, leading to a minimum of 222 hours per year of faculty involvement. Today, he said, the Assembly is thanking Professors Donald R. Deskins from Sociology, who served for 5 years, and Professor Bruce Karnopp from Mechanical Engineering, who served for 3 years. Together, he said, these two members contributed over 8 decades of teaching at the University of Michigan. Professors Deskins and Karnopp were presented with framed certificates by President Bollinger.

The Senate Assembly members expressed their congratulations by applause.

Chair Navvab next invited the president to present his perspective on the Bylaw changes proposed for the Athletic Department. He asked the president to explain why he was proposing these changes at this time. President Bollinger said that first, he thanked the Senate Assembly for all the service that members have given during his time at the U-M. He recalled that his first interaction with the Assembly had involved insurance benefits. Then, he said, he learned that having the means to assess faculty interests was valuable. He noted that his administration backed away from the proposal when it became clear that the faculty opposed it. The president said that most of the time he and faculty governance have agreed and that there have been a few times when they disagreed. He said that the discussions have always been civil and that he thanks the Assembly for that.

President Bollinger said that it seems that he has been talking about the Board in Control of Intercollegiate Athletics for a year. He said that the fundamental principle guiding him is that responsibility for the athletic department should rest with the president. He explained that his position was part of a general movement. He said the theme was renewed in the most recent Knight Commission Report and that it is at the heart of the Big Ten philosophy at this point. He said that his administration asked Big Ten Commissioner James Delaney and that Delaney wrote back reporting that having presidents in control is the desired goal. Bollinger said that the U-M seemed to be out of line with its existing Bylaws. He stated that just as you want to hold the president responsible for a medical center, you want the president responsible for athletics. He said that he did not think that faculty on an advisory board or the BICIA have adequate and necessary knowledge. He said it is a matter of expertise about the issues. He said that there should be faculty involvement in the operation of the athletic department, and that he would divide that involvement into two parts: (a) eligibility and academic requirements, and (b) everything else- finances, space, etc.

President Bollinger stated that on the first issue (eligibility), any responsible president should delegate to the advisory board. He said that absent any egregious error, he would concur fully with the board. He said that he thinks that the president should delegate full authority on academic matters to the board. On financial matters, he said the board is an important source of advice, and the Athletic Director should be required to seek that advice. But, he said, the board doesn't have enough information to make final decisions about those matters. He added that he thought there are possibilities for adjustment in the proposed Bylaw he had published. Professor Deskins remarked that President Bollinger had said the board has responsibility for determining eligibility and academic performance. He asked if it was not true that the responsibility rested exclusively with the faculty members on the board. The president replied that he agreed with Professor Deskin's characterization. Professor Koopmann asked if the president wanted the board to comply with Big Ten Conference rules and to function as others do. The president replied that Koopmann was correct.

Professor Ketefian asked which details of grading and eligibility were within the purview of the board. The president responded that decisions revolve around grade point averages

and the like. Chair Navvab pointed out that the rules for eligibility are well defined, and that the U-M has a higher standard than many other schools. Professor Riebesell pointed out that in the previous iteration of the Bylaw revisions, the pre-eminent position of the president has already been clarified. He asked if the concern now is more about the Athletic Director. President Bollinger replied that he understood that the Bylaws already recognized the role of the president, but he added that there have been times when people asserted to him that the board has autonomy in financial matters. He said that he did not want there to be any problems for a future president.

Professor Riebesell said that the proposed revision changes the role of the BICIA from being in control, to being advisory to the Athletic Director. He said that in his opinion that goes too far. He said that it does not recognize the full range of responsibilities of the board, especially in the area of student eligibility, where the board has primary responsibility and is not advisory to the Athletic Director. The president replied that he would take the proposal back to the staff that drafted it. He said that he was not informed to the specifics, but only the general principles. He said that he was prepared to say that the BICIA is an advisory board. He said that on academic matters, the president is expected to delegate, almost as a formality. Professor Green pointed out that the wording "control" is required for membership in the Big Ten Conference. He asked if the Big Ten would change the wording of its constitution. The president replied that he wished he could respond with knowledge. He explained that a good number of Big Ten presidents around a dinner table told him that they have made their parallel committees into advisory bodies. He said that pressure on presidents is the best way to solve the emerging problems in intercollegiate athletics. He said that solutions are going to come from presidential leadership, and that Commissioner Delaney concurs. He added that he needed to get Liz Barry from the Office of General Counsel to meet with the Assembly.

Professor Burdi remarked that for many years, faculty dealt only with programmatic aspects of student athletes. He noted that the proposed Bylaw is relatively silent on how the faculty representative to the Intercollegiate Conference of Faculty Representatives should interact with the faculty. He said the issue must be addressed, and that the document should say more about the duties of the individual so as to clarify role and responsibilities. President Bollinger responded that Burdi's comments were interesting, and had not been raised before. He said that some kind of statement could be added saying that the faculty representative has a duty to consult and seek advice from faculty groups.

Professor Gobetti said that he agreed with concerns mentioned by Professor Burdi, and that he opposed many of the proposed changes. He pointed out that under proposed changes the Athletic Director would be permitted to nominate board members whereas the nominations were presently the purview of elected faculty governance. President Bollinger posed a hypothetical question: if the president disagreed with the board about academic eligibility, whose decision should prevail? Professor Gobetti said that the board had priority in academic matters. Bollinger responded that any sensible president would delegate. He acknowledged that there also seems to be an issue about additional members appointed by the Athletic Director. He said he was willing to talk about whether the

SACUA chair should have a vote on the board. He said that is seemed as though there was an issue of whether the Bylaws should vest full authority on academic matters in the board.

Professor Deskins observed that there is no parallel to the proposed appointment offered to the Athletic Director. He explained that unlike all other board members, the AD's appointees would represent no constituency with multiple levels of review other than the AD himself. Deskins pointed out that issues which an AD might argue to be financial, such as extending the football season into a playoff, in reality trigger academic consequences. The president replied that he agreed with Deskins, but that he would never want that decision to be made by 5 members on a board. He said that there are so many factors that go into the decision even though it has tremendous academic implications.

Professor Deskins responded that he thought the president was effectively saying that money will govern. President Bollinger replied that another possibility might be that the board might get 5 faculty who are delighted to have the season extended into January. Bollinger said that the implicit view seems to be that the AD is an evil person who wants to exploit the situation. But, he said, maybe the AD will seek to appoint people with special skills to advise him, and that is a reasonable request. Professor Deskins noted that nothing precludes the AD from seeking any and all advice that he needs from any quarter under existing rules.

Professor Koopmann pointed out that the U-M is the only Big Ten School where the chair of the board is not a faculty member. The president said that he would go back and raise the issues he heard. He invited the Senate Assembly to write them down and submit them to him. He said that he still wanted to bring some version of a Bylaw revision to the Regents in December.

The guest left the meeting at 4:13 P.M.

ATHLETIC DEPARTMENT BYLAW

Chair Navvab asked Secretary Lehman to inform the Senate Assembly about an action voted by SACUA earlier in the afternoon. Professor Lehman reported that SACUA took action by vote in order to offer advice and guidance to the Senate Assembly about the Athletic Department Bylaw proposal:

ACTION OF SACUA 112601-1

SACUA recommends that the Senate Assembly authorize SACUA to form a committee in consultation with past and present members of the BICIA, MSA, and the Alumni Association to (a) address the concerns of the administration about business and financial matters, and (b) preserve the oversight and governance functions of the BICIA, in conformity with existing rules of the Big Ten Conference.

A member of the Assembly asked whether SACUA intended the committee to be standing or ad hoc, whether interest had been expressed by MSA and the Alumni Association, and about the effectiveness that it might have.

Chair Navvab replied that the committee would be short-lived, with a single duty. He said that SACUA had already determined that other organizations were interested in consultation.

MOTION FROM THE FLOOR

The Senate Assembly authorizes SACUA to form a committee in consultation with past and present members of the BICIA, MSA, and the Alumni Association to (a) address the concerns of the administration about business and financial matters, and (b) preserve the oversight and governance functions of the BICIA, in conformity with existing rules of the Big Ten Conference

AMENDMENT TO THE MAIN MOTION

Professor Riebesell moved that the Main Motion be amended to clarify that the new committee would be ad hoc, and that its purpose was to draft alternatives for the proposed Bylaw amendment. The motion to amend was seconded and opened to discussion. Professor Burdi declared that he would insist on a time line for the committee. Professor Ketefian asked how it could be assured that the committee would express the collective views of various organizations. Professor Koopmann pointed out that the president of MSA has been attending SACUA meetings and has already engaged with the issue. Moreover, Koopmann explained, this is not a time scale chosen by the faculty; the Regents will vote yes or no or to defer, and the faculty must be prepared. Professor Ward stated that he thought the Assembly has to assume that the motions will fail to achieve their objectives, and that SACUA will have to work with the president's next revision on Monday. He said that the faculty can not look at this as a vote that will indefinitely defer a decision. Professor Lindner pointed out that it is not possible to know what it means when the president says he is going to talk with the drafters of the Bylaw. Lindner said that it is not the intention to start from scratch and to develop a new Bylaw; rather, the faculty need very specific responses to specific changes. Professor Koopmann said that it seems that the president wants to codify the financial and business aspects of Athletics. He remarked that this is first time that we have heard the president offer to codify faculty control on academic matters. Koopmann said that there are opportunities for faculty governance at this time.

VOTE ON THE PROPOSED AMENDMENT TO THE MAIN MOTION:

Number approving: all but one Number disapproving: none

Number abstaining: one

ACTION OF SENATE ASSEMBLY 112601-1

The Senate Assembly authorizes SACUA to form an ad hoc committee in consultation with past and present members of the BICIA, MSA, and the Alumni Association to draft alternate language for the proposed bylaw amendment that (a) addresses the concerns of the administration about business and financial matters, and (b) preserves the oversight and governance functions of the BICIA, in conformity with existing rules of the Big Ten Conference.

VOTE ON THE AMENDED MAIN MOTION

The amended Main Motion was accepted unanimously, with no abstentions of record.

LIFE SCIENCES INSTITUTE BYLAW

Chair Navvab called attention to a proposed bylaw to create an executive committee for the Life Sciences Institute. Chair Navvab said that the interim provost has informed SACUA that she is not certain that she will bring the proposed Bylaw to the Regents in December. He called on Secretary Lehman to read the action approved by unanimous vote of SACUA earlier in the day. Professor Lehman reported that SACUA took action by vote in order to offer advice and guidance to the Senate Assembly about the Bylaw proposal:

ACTION OF SACUA 112601-2

SACUA advises the Senate Assembly that extensive additional discussion is needed before the Bylaw 13.15 is brought to the Regents for adoption. In particular, the proposed governance structure does not conform to that of other academic units and therefore the proposal requires additional study and evaluation.

ACTION OF SENATE ASSEMBLY 112601-2

The Senate Assembly approves the recommendation of SACUA regarding the Life Science Institute Bylaw. Senate Assembly members indicated their readiness to vote without further discussion. The motion was approved unanimously, without any abstentions of record.

COPYRIGHT POLICY

Chair Navvab called attention to the proposed new copyright policy recommended by a commission appointed by the University President (distributed items 10 and 11). He called on Secretary Lehman to read the action approved by unanimous vote of SACUA earlier in the day. Professor Lehman reported that SACUA took action by vote in order to offer advice and guidance to the Senate Assembly about the proposed policy:

ACTION OF SACUA 112601-3

SACUA endorses the recommended policy changes in the report from the president's Copyright Policy Committee, and recommends that the Senate Assembly should similarly approve and endorse the recommended policy revision.

ACTION OF SENATE ASSEMBLY 112601-3

The Senate Assembly endorses the recommendations from the president's commission on Copyright Policy.

Professor Ketefian asked whether further steps were required to bring the new policy into practice. Secretary Lehman replied that he understood that action by the Regents would be required. Senate Assembly members indicated their readiness to vote. The motion was approved unanimously, without any abstentions of record. -----

PRINCIPLES OF TEACHING

Chair Navvab called attention to a report about Principles of Teaching that had been developed by the Academic Affairs Advisory Committee (distributed item 12), and which had been already endorsed by SACUA. He called on Secretary Lehman to read the action approved by unanimous vote of SACUA earlier in the day. Professor Lehman reported that SACUA took action by vote in order to offer advice and guidance to the Senate Assembly about the report:

ACTION OF SACUA 112601-4

SACUA recommends that Senate Assembly endorse the Principles of Teaching report from the Academic Affairs Advisory Committee. Professor Koopmann reviewed the history of the report developed by the AAAC. Professor Riebesell moved that the Senate Assembly endorse the Principles of Teaching developed by the Academic Affairs Advisory Committee. The motion was seconded. Professor Ketefian asked for additional time to discuss the report with her faculty colleagues before voting. Chair Navvab

declared that action on the motion would be postponed until the next meeting to permit consultation and study.

SACUA NOMINATING COMMITTEE

SACUA members voted for members of the SACUA nominating committee.

INTERNATIONAL STUDENT ISSUES

Chair Navvab pointed out that the president and the Regents have asked for faculty comment about federal policy toward international students. He asked the Assembly members to consider the topic for discussion at the next meeting.

The meeting adjourned at 5:15 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.