

Minutes of 27 November 2006  
Circulated: 28 November 2006  
Re-circulated: 14 December 2006  
Approved: 18 December 2006

**THE UNIVERSITY OF MICHIGAN  
SENATE ASSEMBLY MEETING  
27 NOVEMBER 2006**

**Present:** Albers, Aller, Altschuler, Anspach, Bastedo, Becker, Benamou, Brock, Chang, Combi, Currie, Eagle, Ensminger, Fitzgerald, Fraser, Frier, George, Giordani, Graham-Bermann, Green, Gull, Hollar, Im, Kim, Koopmann, Lachance, Lehman, Li, Lomax, Luera, MacAdam, Maddock, Maybaum, Meerkov, Moore, Navvab, Peters, Potter, Powell, Primus, Riles, Rothman, Seabury, Severance, Smith, Thouless, Wakefield

**Alternates:** Franzese (LSA-Social Sci - for Sellers), Kimball (LSA-Social Sci - for Volling), Mengozzi (Music - for Hahn), Roberts (Nursing - for Ketefian), Zhang (Medicine - for Garton)

**Requested Alternate, none available:** Agrawal (SNRE), Avi-Yonah (Law), Lange (LSA-Nat Sci), Mahalingam (LSA-Social Sci), Resich (Social Work), Schultz (Engineering), Stark (Engineering), Thornton (Dearborn)

**Absent:** Abdo, Adriaens, Annich, Boxer, Brown, Carson, Fricke, Frost, Hesseltine, Kosch, Ludlow, Neuman, Rahme, Roe, Sabel, Samson, Seyhun, Stoolman, Streetman

**MATERIALS DISTRIBUTED**

1. Senate Assembly agenda
2. Draft minutes of the Senate Assembly meeting of 30 October 2006
3. Senate Assembly Resolution regarding UM Faculty Senate Undergraduate Fellowships for consideration at the December 18 meeting
4. Senate Assembly Resolution regarding registration brackets
5. LSA Student Government Resolution for Reforming Registration Brackets
6. Current Benefits Issues, Faculty Senate Assembly, 27 November 2006
7. Report of the Pharmacy Benefits Oversight Committee, undated
8. Motion to Establish a Faculty Benefits Oversight Committee
9. Current Benefits Questions
10. Management Response to the Committee on the Economic Status of the Faculty's (CESF) "Annual Report to the Regents on Faculty Salary and Composition" 2005-2006, by the Office of the Provost and Executive Vice President for Academic Affairs, dated September 2006

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

## **CONSIDERATION OF MINUTES**

The minutes of 30 October 2006 were approved.

## **ANNOUNCEMENTS**

The Chair announced:

1. The next Senate Assembly meeting will be on 18 December 2006. Two resolutions unanimously adopted by SACUA will be offered for vote of the Assembly on that date: (1) a resolution to establish a faculty scholarship fund for economically disadvantaged students and (2) a resolution from the Academic Affairs Advisory Committee to support the agreement with the Provost and the Registrar to broaden student registration brackets.
2. SACUA has asked the Chair to read the following announcement:

*President Coleman has informed SACUA of her decision to initiate proceedings, at a dean's request, against a tenured full professor under provisions of Regents' Bylaw 5.09. The charge is "insubordination" defined in this case as refusal to teach an assigned course. The president's decision was made to have the case heard by the executive committee of the unit in question rather than by the Senate Assembly's Tenure Committee against the unanimous vote, with one abstention, by SACUA. She stated that only the unit could decide whether the professor was competent to teach the course. The hearing is scheduled for December 4, 2006.*

## **FACULTY BENEFITS**

The Chair invited Dr. Fraser from the CESF Benefits Subcommittee to deliver a report at 3:20 P.M. His report closely followed distributed item 3. His remarks concluded at 3:33 P.M.

Professor Koopmann pointed out that some U-M benefits are well above market level, but that it could hurt competitiveness in recruitment and retention if they are reduced. Dr. Fraser expressed agreement, and added that it seems wrong to hire people under one set of benefits and then take the benefits away, effectively a 'bait and switch' tactic.

A member of the Assembly commented that his impression is that dental benefits are very low, with few options. Dr. Fraser replied that his subcommittee would look into the matter. Professor Roth suggested that there are a number of strategies that could be implemented to save costs. Dr. Fraser invited him to send suggestions to [cesf@umich.edu](mailto:cesf@umich.edu).

## **PHARMACY BENEFITS OVERSIGHT COMMITTEE**

Chair Smith provided a review of the history, composition, and achievements of the Pharmacy Benefits Oversight Committee (distributed item 4).

## **VISIT OF LAURITA THOMAS, CHIEF HUMAN RESOURCE OFFICER**

The Chair introduced Laurita Thomas at 3:45 P.M. She provided introductory remarks along the theme of fostering a culture of health on the U-M campuses. She discussed ongoing uncertainties about future directions pending final approval of the sale of MCare. She then turned attention to a series of questions developed by CESF:

*1. Will you work with SACUA to implement a Benefits Oversight Committee?*

We will work with SACUA and will learn from the Pharmacy Benefits Oversight Committee and other groups how best to move forward to a committee structure that will be most effective.

*2. Will you engage external consultants to assess the affordability of University benefits?*

We will first need to develop a committee structure. The Michigan Healthy Community committee will be one of the bodies engaged.

*3. Will you use carrots rather than sticks in developing a consumer-driven healthcare strategy?*  
Again, we first need to develop a committee structure before addressing this issue.

*4. Will you expand the proactive diabetic care program to include dental care and retirees?*

This question will have to be posed to a committee.

*5. Will you work to expand the proactive cardiovascular care program to include all those diagnosed with cardiovascular conditions?*

This question will be given to a committee.

*6. Will you allow retirees to choose annually among the three dental options offered by the University to faculty and unbargained staff?*

We cannot answer the question at this time owing to remaining uncertainties associated with the sale of MCare.

*7. Will you work to cap the increase in healthcare costs for retirees?*

We cannot answer the question at this time owing to remaining uncertainties associated with the sale of MCare.

*8. Will you grandfather current part time employees as you move to graduate co-premiums?*

No committee is working on this possibility; it is just an idea at this time.

*9. Will you consult with faculty in identifying the market competition for benefits?*

Absolutely, we welcome your input.

Professor Riles asked Ms. Thomas to outline the various oversight committees that she envisions, and whether there would be faculty on them. Ms. Thomas replied that there absolutely would be faculty on all oversight committees. She cited mental health, integrated disability management, and pharmacy as examples of ongoing oversight committee work. She said that she is not yet sure about health care. Professor Meerkov inquired whether the faculty representation would be selected by administration or suggested by elected faculty governance. Ms. Thomas replied that it would likely be some combination of the two.

---

## **ACTION OF SENATE ASSEMBLY 112706-1**

SACUA placed the following resolution before the Senate Assembly for vote:

Whereas the University of Michigan has made and is expected to make significant changes in the benefits that it offers its currently active and retired faculty, and

Whereas the members of the University Faculty Senate and their elected representatives on the University Senate Assembly and its executive committee, the Senate Advisory Committee on University Affairs (SACUA), have either not been consulted or have been inadequately consulted prior to the announcement of such changes in benefits,

Be It Resolved That:

The University of Michigan establish a Faculty Benefits Oversight Committee with representation on that committee by faculty members selected by SACUA and confirmed by the Senate Assembly.

The Action was approved by unanimous vote.

-----

### **VISIT OF PROVOST AND EXECUTIVE VICE PRESIDENT FOR ACADEMIC AFFAIRS TERESA SULLIVAN**

The chair invited Provost Sullivan to address the Assembly at 4:10 P.M. The provost directed her remarks at possible University responses to Proposal 2: amendment of the State constitution to prohibit affirmative action programs. She noted that the amendment will affect U-M programs, and affirmed the value of diversity to the educational mission of the U-M. She stated the need to explore alternative strategies to increase and maintain diversity, and said that the Diversity Blueprints Taskforce has been established to explore these alternatives.

### **GENERAL COUNSEL AND VICE PRESIDENT MARVIN KRISLOV**

The provost yielded the podium at 4:15 P.M. to VP and General Counsel Krislov. He noted that the U-M has argued that diversity is crucial to its mission. He pointed out that Proposal 2 includes race, ethnicity, and gender issues, but that the language is open to interpretations. He remarked that courts in Washington State and California have provided different interpretations regarding outreach programs. He said there has already been one lawsuit filed, and that his guess is that there will be a number of additional filings.

The General Counsel said that one provision that gets little attention is the fact that if an institution must maintain a program to continue receiving federal funding, that program is immune from the new State law. He added that his office has consulted U-M law faculty as well as experts from other state institutions. He concluded his remarks at 4:20 P.M. by saying that the U-M is committed to complying with the law.

Professor Anspach asked whether it is still possible for minorities or women to sue under existing EEOC law. GC Krislov replied "certainly;" he said that the new law does not significantly affect one's ability to sue for discrimination. Professor Kimball suggested that the U-M needs to review its definition of diversity, to recognize that it embraces more than just racial balance. Provost Sullivan replied that what an admissions committee looks for is

ultimately in the hands of the faculty. She acknowledged that it was possible to use different diversity criteria, but that she was not sure how it would be done.

Professor Potter asked for clarification about educational help and enhancements for students already admitted. The provost pointed out that in California the schools opened up the programs to anyone who needs help. She said she doubted there would be objection to doing the same here. Professor Roth remarked that he liked the idea of looking at diversity generally. He said that many practices give benefits to white students, such as the preference given to children of alumni. The provost said that she expected such issues would be raised with the Diversity Blueprints taskforce.

Dr. Fraser pointed out that some scholarships are designated for specific groups. GC Krislov replied that Fraser raised a good issue. He noted that in California they pooled some of the scholarship money, and they also moved some of the scholarships outside of the university. He said that U-M administration was talking with a number of people about this issue.

Professor Benamou inquired about developments at other State institutions affected by Proposal 2. The general counsel replied that there were extensive discussions ongoing with MSU and Wayne State. He said that the U-M seems to have more programs that will be affected, and that there may be some interpretations that have to be settled in courts of law. The provost added that there is also a dialog with community colleges about getting more upper division transfers.

Professor Anspach asked about the future of the Rackham merit fellows program. She also asked if it would be reasonable to substitute socio-economic status as a criterion for achieving diversity. The provost replied that the students who have been promised multi-year support from Rackham will continue to be funded, but that she is not sure about the future of the program. The general counsel said that there was a lively discussion ongoing about socio-economic status, but that it is not regarded as a substitute for achieving racial and ethnic diversity.

Professor Riles commented that there is prevailing view expressed by U-M administration that faculty overwhelmingly favor affirmative action policies. He said that AEC evaluations demonstrate that the support is softer than claimed, and that he hopes that Diversity Blueprints group will have full diversity of opinions represented within its membership. The provost replied that that is why they will be holding open forums.

Provost Sullivan pointed out that a 23 December deadline is looming because that is when the Proposal will be certified into law. She noted that this deadline falls in the midst of undergraduate admissions. She said that any policy changes in admissions need faculty consultation, and that she will not do anything in this area without faculty consultation. Professor Koopmann remarked that the provost's comments about including faculty input are refreshing, and thanked her. He added that he supports Professor Riles comments because the Diversity Blueprints taskforce can be either a rubber stamp or a meaningful body, and it is up to the administration to decide what it wants.

Professor Kimball expressed concern about possible legal costs that might emerge from seeking the interpretations that the general counsel kept mentioning, as well as the appearance that the U-M is in conflict with the expressed will of the State. Krislov replied that he understood the concern and that it was a well reasoned concern. He added, however, that the U-M is currently a defendant in a lawsuit, and therefore it has no choice. The provost pointed out that some parents always believe they have a cause for action against the U-M if their children don't get admitted.

Professor Benamou encouraged the executive officers to look at issues like benefits and funding for spousal hires that move beyond admissions into other areas. The provost expressed agreement, but said that the admissions issues had immediate urgency.

The guests left the meeting at 4:40 P.M.

#### **NEW/OLD BUSINESS**

There was no new or old business.

The meeting was adjourned at 4:45 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.