

Minutes of 12 December 2005
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**THE UNIVERSITY OF MICHIGAN
SENATE ASSEMBLY MEETING
12 DECEMBER 2005**

Present: Albers, Aller, Benamou, Brock, Brown, Burant, Cebulski, Chang, Combi, Frost, Garton, Giordani, Green, Gull, Hollar, Jackson, Kim, Koopmann, Lachance, Lange, Lehman, Luera, Maddock, Meerkov, Neuman, Ohye, Peters, Potter, Powell, Prygoski, Quint, Sabel, Sahiner, Schultz, Seabury, Smith, Stark, Stoolman, Thouless, Volling, Younker, Zorn

Alternates: Cimprich (Nursing - for Pohl); Durfee (Engineering - for Hu); Gest (Medicine - for Hutchinson); Kanicki (Engineering - for Dowling); Kimball (LSA - for Mitani); Mengozzi (Music - for Matjias); Pedraza (LSA - for Smock)

Requested Alternate, none available: Abdoo, Moran

Absent: Agrawal, Annich, Becker, Ben-Shahar, Bhavnani, Carson, Farmer, Fraser, Fricke, Graham-Bermann, Ismail, Lemos, Li, Liu, Ludlow, Pritchard, Sellers, Senkevitch, Streetman, Watkins, Younger, Ziff

MATERIALS DISTRIBUTED

1. Senate Assembly agenda
2. Draft minutes of the Senate Assembly meeting of 21 November 2005
3. Memorandum from E. M. Gramlich to B. J. Giordani, dated 21 November 2005, regarding flexible tenure probationary period report
4. New Ford Foundation grants to promote academic freedom and constructive dialogue on college campuses
(http://www.fordfound.org/news/view_news_detail.cfm?news_index=160&print_version=1)
5. Report of the committee to consider a more flexible tenure probationary period, dated 30 June 2005
6. Letter from J. Kurland of the national office of AAUP, dated 15 September 2005, regarding proposed changes to the tenure probationary period at the University of Michigan
7. Letter to B. Giordani from D. A. Hollinger, dated 17 November 2005, regarding AAUP Committee A response to tenure policy proposals from U-M provost committee
8. Comments on the Report on Flexible Tenure, Academic Affairs Advisory Committee, dated 30 November 2005
9. Memorandum to B. Giordani from Tenure Committee, dated 1 December 2005, regarding flexible tenure probationary period report; request for comment

10. Flexible tenure clock recommendation email response, updated 9 December 2005
11. Resolution for Senate Assembly, endorsed by SACUA 5 December 2005
12. Responses by unit executive committees to questions about proposed tenure policy changes, various dates
13. SACUA study of tenure track appointments, University of Michigan 1990 to 2003, by J. R. Lee and C. B. Smith, undated
14. Senate Advisory Committee on University Affairs (SACUA) Election Procedures Guidelines, dated 16 February 2004
15. Sample SACUA nominating committee ballot
16. SACUA/Senate Assembly Planning Schedule, updated 9 December 2005

The meeting was convened by the chair at 3:20 P.M. The draft agenda was approved.

CONSIDERATION OF THE MINUTES OF NOVEMBER SENATE ASSEMBLY

The minutes of 21 November were approved as submitted.

ANNOUNCEMENTS

The chair announced:

1. Ballots for election of a SACUA nominating committee will be distributed and collected at this meeting. Those eligible are retiring members of SACUA and retiring members of Senate Assembly. The SACUA election is slated for March 2006. In addition to names submitted by the nominating committee, nominations can be made from the Assembly floor up until and including the day of the election itself.
2. The provost has informed SACUA that when the provost's committee on tenure policy has revised its report, the revision will be returned to faculty governance for deliberation and will not be acted upon before Fall term 2006, pending that deliberation (distributed item 3).
3. The distributed materials include reports from Assembly committees (items 8 and 9), feedback from individual faculty (item 10), responses from unit executive committees to queries adopted by the Assembly on 31 October 2005 (item 12), responses from National AAUP (items 6 and 7) and an analysis of tenure track personnel data (item 13).
4. The Ford Foundation has named the U-M as one of 26 universities receiving grants for its initiative about 'Difficult Dialogs,' academic freedom discussions on campus (distributed item 4). The Thomas Jefferson Center at the University of Virginia will coordinate the Ford Foundation program. By happenstance, our guest speaker is director of the Jefferson Center and heads up the program.

GUEST SPEAKER

The chair introduced Robert O'Neil, founding director of Thomas Jefferson Center for Free Expression. A professor of Law, O'Neil served as president of both the University of Wisconsin and the University of Virginia. He is a former chair of the National AAUP Committee A on academic freedom and tenure, and he delivered the

inaugural Davis, Markert, Nicherson Academic Freedom lecture at the University of Michigan.

The guest ascended to the podium at 3:33 P.M. He noted that he would be making a series of return visits to Ann Arbor because of his responsibilities to the aforementioned Ford Foundation initiative, and because both of his children work at the U-M. Professor O'Neil delivered prepared remarks with key points as follows:

- The U-M is deeply and thoughtfully committed to academic freedom.
- Faculty governance is practiced well by faculty and administrators here.
- Discussion with provost and co-chairs of the provost's committee convince him that motives for policy changes were benign and intended to respond to an increasingly diverse community.
- Some proposals are good, but some will create more problems than they reduce.
- Tenure probation serves the benefit of both institution and individual.
- Institutions without tenure or with weakened tenure systems tend to keep marginal performers from year to year to the detriment to institutional quality.
- For most of last century, 7 or 8 years tenure probation has been the norm.
- There is universal support for some flexibility in tenure probation, and AAUP has offered a template that was adopted by the U-M.
- One feasible variation is to permit a probationary period up to 10 years for clinical medical faculty owing to their reduced time for scholarship owing to clinical duties.
- As provost, he once sought and received AAUP approval to extend the probation period for 2 faculty members; the faculty members petitioned, and the AAUP chapter endorsed the request.
- It is possible to start tenure clock anew when a faculty member joins a new university. It is important to heed a written request from the faculty member in regard to this practice. Conditions should be negotiated at the time of initial appointment rather than later on in the probationary period.
- The current U-M system contains ample flexibility.

Professor O'Neil also pointed out provisions in the provost's tenure committee report that troubled him:

- Each School and College would be able to extend its probationary period by local action. Standards may shift, and some faculty members may then seek safe harbor in units that offer longer probationary periods.
- Proposed policy delegates authority in way that could create problems by permitting second review in some units but not others. The policy should be uniform; a fragmented approach seems legally vulnerable.
- For joint appointments in which two units appraise a candidate, even with uniform timing the process can be complicated. The problem compounds if differing tenure clocks are at issue.
- Awarding partial probationary period credit for partial appointments will breed problems. Insisting that an individual either is or is not on the tenure clock seems

rigid, but it is basically sound. A partial tenure clock assumes a homogeneity of personal and professional effort that is not present in real universities. Consider the real world scenario where one faculty member teaches 39 hours a week and another teaches 2 hours.

- The U-M has been nimble at competing for faculty recruits, but these proposed policies can place the U-M at competitive disadvantage.
- Are personnel policy changes really needed at the institution regarded to be an exemplar of sound tenure practice?

Professor O'Neil concluded by stating that the current policies are the best. He recommended keeping them as they are with few changes. He concluded his prepared remarks at 4:00 P.M.

Professor Zorn asked how a situation should be handled properly if a faculty member goes off the university payroll, to accept a fellowship for example. Could the clock be stopped for the duration of that fellowship? Professor O'Neil replied that he normally would view a non teaching year as a year off the clock, but that a faculty member could ask for it to be counted.

Chair Giordani noted that the AAUP has suggested granting up to 2 extensions to the tenure probationary period. Professor O'Neil agreed and added that the key is to make sure someone is minding the personnel cycle. He cited UCLA as an institution that never loses track of anyone because it reviews 525 tenure track cases each year and raises a flag when someone is in rank too long. He acknowledged that it is possible to see lapses elsewhere, where there is less vigilance.

The speaker was asked from the gallery whether faculty might reduce their appointments to publish a book, for example. He replied that there ought to be some appointment fraction below which it does not count on tenure clock, and that the norm is 50% for teaching responsibilities. Chair Giordani asked him to explain more about an extended tenure probationary period for clinical faculty. Professor O'Neil responded that the practice began at the University of Pennsylvania where it was recognized that required clinical service reduced the effective time for scholarship. A proposal emerged to raise the maximum probationary period before granting tenure to 10 years for tenure track faculty with clinical demands, but to confine the practice to those faculty only. He said that the principles were that the effort had to be faculty initiated, and that it had to have the support of all faculty, not just those from the Medical School.

Professor Benamou commented that some of her colleagues in LSA have said that the current probationary period is too short. Professor O'Neill replied that 6, 7, or 8 years probation are reasonable limits for an institution to apply, but that going beyond these is not wise unless there are circumstances beyond the candidates' control.

Professor Brown remarked that the lecturer organization at the U-M is unionized and has effected a semi-tenure system. He asked how O'Neil views the trend of increasing numbers of lecturers. Professor O'Neil replied that it is the greatest problem at

universities with the highest standards. He noted that if a university retains individuals for 10 to 15 years and then discharges them the AAUP calls it excessive probation. He said it is neither a wise nor humane policy.

The guest left the podium at 4:20 P.M.

REPORT ON TENURE TRACK STATISTICS

Chair Giordani gave the floor to Professor Smith. Smith called attention to distributed item 13. He noted that data were conspicuously absent from the provost's committee report (distributed item 5) and that SACUA had assigned him to collect and review appropriate data. He said that source of the data was Human Resources and Affirmative Action and that most of the statistical analyses had been performed by Mr. Jeffrey Lee, a Master's student in the Gerald R. Ford School of Public Policy.

Professor Smith explained that the data set consisted of everyone who entered the tenure track from 1990 to 2003. They were tracked until one of three events occurred: (a) they achieved tenure, (b) they left the tenure track, (c) they remain on the tenure track today. He said that of 2504 individual cases, only 99 were in more than one unit. He said that in only 9 cases had the probationary period exceeded 8 years; of these, 3 left, 3 received tenure, and 3 are still here with de facto tenure.

Smith pointed out that common preconceptions are refuted by the data. He noted that twice as many men as women achieved tenure, but that the tenure success rates for women and men were roughly equal; disparity in numbers are attributed to the greater number of men that are hired into the tenure track. He noted further that the average time elapsed before men or women receive tenure is also quite comparable, with women taking perhaps 0.4 years longer than men. He pointed out that in all units, the average time in the probationary track before achieving tenure is less than 6 years.

A member from the gallery remarked that the figures for the Medical School might reflect the fact that many faculty who enter the tenure track become convinced to switch to the clinical track because of the perceived difficulty in achieving tenure. Professor Smith acknowledged that if an individual transfers to the clinical track, it is recorded in the data set as a withdrawal from the tenure track. Professor Smith concluded his presentation at 4:39 P.M.

ACTIVE MOTION

Chair Giordani introduced distributed item 11 as an active motion proposed by unanimous vote of SACUA on 5 December 2005. He invited discussion.

A member of the Assembly Member said that there was not much support in the economics department for lengthening the maximum probationary period. He cited the possibility of many unintended consequences, including the possibility that expectations would rise proportionally and that the average time to tenure would increase. He said that extensions were supported, but they should not be given out so liberally that the result lengthens the probationary period. He noted further a concern that permitting multiple

tries for tenure will dilute the effort put into the process at each trial. He said that his faculty would like to limit repeat applications to cases where there is disagreement between levels of review. Further, he said, the consensus view was that the system works smoothly when policies are as uniform as possible across units. He said that as a matter of policy there should be a goal of setting the probationary period to as short as possible.

Professor Lange said that she was delighted to see the data presented by Professor Smith. She said the data dispel the mythology that women are less successful than men at achieving tenure. Professor Younker responded that we need further to learn the percentage proportions by gender in the applicant pool in order to interpret the situation more completely.

Another member remarked that differences have emerged in the way that medicine is practiced that make it harder to achieve tenure within existing guidelines for faculty with significant clinical duties. He suggested that it is worthwhile to consider whether the profile of academic accomplishment for attaining tenure should necessarily be the same across all units. Professor Smith suggested that consideration should be given to the possibility of offering tenure to clinical faculty. Others declared that the way the rest of the university runs should not be driven by the Medical School, and that perhaps their issues, plus perhaps those of joint appointments, could be decoupled from general policy. Professor Koopmann said that he regarded joint appointments to be a special case, and that it would be best to define the special cases.

Members asked the chair to clarify the next steps for the Assembly. The chair replied that faculty governance has been asked to deliberate and report. He said that the provost's committee will revise its own report and the Assembly will deliberate on that, as well. He noted there is an Action Item before the Assembly for vote at the January meeting.

FACULTY SENATE WEBSITE

Secretary Lehman reported that a new website for faculty governance issues has been established at <http://senate.umich.edu/>. He said the website includes electronic postings of Assembly reports and communications, including many of those distributed today. A member asked that the Assembly be alerted to the electronic materials in advance of future meetings so that members can review them.

The meeting was adjourned at 5:02 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.
