

Minutes of February 6, 2012
Circulated: February 13, 2012
Approved: February 20, 2012

THE UNIVERSITY OF MICHIGAN
Senate Advisory Committee on University Affairs (SACUA)
6048 Fleming Administration Building
Ann Arbor, Michigan 48109-1340
Phone: (734) 764-0303
Fax: (734) 764-6564
www.sacua.umich.edu

APPROVED MINUTES OF THE SACUA MEETING OF FEBRUARY 6, 2012

Present: Barald (Chair), Goldman, Kearfott (Vice Chair), Koopmann, Larsen, Lehman (Senate Secretary), Lusmann, Rothman, Staller; Schneider

Absent: None

Guests: Richard Friedman, Chair of the DPS Oversight Committee

Press: University Record (Jamie Iseler), AnnArbor.com (Kellie Woodhouse), Michigan Daily, Michigan Radio, Channel 7 (ABC local affiliate)

MATERIALS DISTRIBUTED

1. Draft SACUA agenda
2. Draft minutes of the January 9, 2011 meeting
3. Draft Senate Assembly amended agenda for the February 13, 2012 meeting
4. *Changes in Faculty Grievance Procedures* dated January 31, 2012
5. Refreshed cognate panel letter from Provost Hanlon to Chair Barald dated December 20, 2011
6. *2012 Timeline for DPS Oversight Committee non-Senate Faculty Elections*
7. *Procedures for the Nomination and Election of the Senate Representative to the University of Michigan Department of Public Safety Oversight Committee* dated February 8, 2010
8. Email letter from EVPMA Ora Pescovitz to the Health System Community dated January 30, 2011 regarding child pornography allegations
9. Senate Assembly Resolution 122311-2 dated December 23, 2011 regarding criminal activity on campus
10. Draft SACUA resolution regarding timely reporting of alleged child pornography possession dated February 6, 2012

The meeting was convened by Chair Barald at 3:15 p.m. and the agenda was approved.

CONSIDERATION OF MINUTES

The minutes of January 9, 2011 were approved without change.

APPROVAL OF FEBRUARY SENATE ASSEMBLY AGENDA

The amended draft agenda for the February 13, 2012 Senate Assembly meeting was approved unanimously without change.

ADOPTION OF MODEL FACULTY GRIEVANCE PROCEDURES UPDATE

Chair Barald commented on the unusually large number of unit level deviations from the Model Grievance Procedures from a review of the approved grievance procedures of those schools and colleges who adopted new grievance procedures since the revised model was approved by SACUA, Senate Assembly, the Provost and the deans in early 2010. This is evident from the annotated list provided by the Provost's office, which included comments on the procedures, date of ratification in the unit and alterations in the procedures as endorsed by the units. Professor Staller stated that one area of deviation appears to be the approval of two internal to the unit Grievance Hearing Board (GHB) members with one outside member instead of the model recommended two external members with only one internal member. Professor Staller said that another area of concern for her is whether these deviations from the model procedure are faculty driven and for a unit-specific purpose since so much thought and attention went into the model grievance procedures. Professor Rothman said it is important that it is actually faculty who are voting on the adoption of new procedures. Professor Lehman said a review of all the documents is necessary and the topic should be brought back to SACUA. Attention was brought to Distributed Item 5 regarding a refreshed cognate panel. SACUA members asked if the new revised procedures require the use of a cognate panel.

Guest Professor Richard Friedman arrived at 3:30 PM.

DEPARTMENT OF PUBLIC SAFETY AND SECURITY (DPS) OVERSIGHT COMMITTEE

Professor Friedman introduced himself as the Senate member and Chair of the DPS Oversight Committee and provided some history of the committee including its reporting lines. Professor Friedman stated that the Oversight Committee is unique at the University in that its existence and its membership were statutorily created by laws of the State of Michigan while the rest of the University was created by the Board of Regents. Therefore, the Committee has a great deal of autonomy. While the Committee's reports are generally provided to the University's CFO, so far there has been one occasion when the Committee decided to issue a public report when the University's administration declined to.

Professor Friedman stated that he feels there are some needed changes to the Committee's procedures. He said that the current faculty representation is split between one Senate representative and one non-Senate faculty member. There seems to be a great deal of difficulty finding non-Senate faculty who would serve. Professor Friedman suggested combining the two faculty positions into a category of both Senate and non-Senate members. He said many of the rules and procedures are unclear. Professor Friedman stated that the Committee ought to have access to independent advice of counsel and that could be handled many different ways.

Vice Chair Kearfott asked if the DPS Oversight Committee had jurisdiction over security personnel such as those at the Medical Center. Professor Friedman stated that the DPS Oversight Committee only has authority over the DPS and that it is his understanding that the security

guards are not under the authority of DPS.

Guest Friedman left the meeting at 4:10 p.m.

MEDICAL CENTER INTERNAL CONTROLS

Chair Barald introduced Distributed Item 10 a resolution regarding current alleged child pornography and invited comment. Following several minor changes the resolution was adopted unanimously.

SACUA Action 02062012-1

Although the University's internal investigation into the current alleged child pornography possession at the Medical Center is ongoing, it is expected that a report will be issued in a matter of weeks. SACUA expects that the University will use this incident to carefully consider the recommendations of the Senate Assembly Resolution 122311-2 (attached) on reporting criminal activity in the most expeditious and effective manner which was passed unanimously by Senate Assembly by electronic vote on December 23, 2011 and later ratified by Senate Assembly on January 23, 2012.

Professor Lehman moved that SACUA insist upon an outside, independent investigation of the alleged pornography possession matter. Multiple members of SACUA expressed the view that it would be best to wait for the University's internal report first which they expected in a few weeks. The consensus seemed to be that there was too much unknown to support the motion at this time. It was also mentioned that a number of outside agencies, such as the Department of Education, might review this with or without SACUA's request. Professor Lehman postponed his motion with the understanding that the matter would be brought up for further review at subsequent SACUA meetings.

UNFINISHED BUSINESS

There was no unfinished business.

The guests and news reporters left the meeting at 4:45 p.m.

EXECUTIVE SESSION

SACUA discussed issues related to the Medical Center reporting functions and GSRA status.

The meeting adjourned at 5:05 PM

Respectfully submitted,

T. Schneider
SACUA Office Staff

Board of Regents of the University of Michigan Bylaws Sec. 4.01 *The University Senate*

"... [t]he 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. Jurisdiction over academic polices shall reside in the faculties of the various schools and colleges, but insofar as actions by the several faculties affect university policy as a whole, or schools and colleges other than the one in which they originate, they shall be brought before the University Senate."