

Minutes of 13 February 2006  
Circulated 14 February 2006  
Approved 6 March 2006

**THE UNIVERSITY OF MICHIGAN**  
**Senate Advisory Committee on University Affairs**  
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Approved Minutes: [www.sacua.umich.edu/sacua/sacua-minutes.html](http://www.sacua.umich.edu/sacua/sacua-minutes.html)

**MINUTES OF THE SACUA MEETING OF 13 FEBRUARY 2006**

**Present:** Combi, Giordani (chair), Gull, Lehman, Meerkov, Seabury, Smith, Younker, Zorn; Schneider

**Absent:** none

**Guests:** E. M. Gramlich, R. Krasny, J. D. Simpson, G. Javier, S. Berent, L. D'Alecy, J. Maddock, J Rush

**MATERIALS DISTRIBUTED:**

1. Draft Agenda
2. Draft minutes of 6 February 2006
3. Electronic mail message from J. Zorn to SACUA, dated 13 February 2005, regarding AAAC liaison report.
4. Electronic mail message from T. Schneider to E. M. Gramlich, dated 9 February 2006, regarding questions and topics for Monday's SACUA
5. University of Michigan Senate Assembly Resolution regarding Unit Shard Governance, approved by Senate Assembly 23 January 2006
6. Memorandum to E. M. Gramlich from B. Giordani, dated 23 January 2006, regarding the final report of the SACUA Faculty Hearing Committee related to Professor William Kauffman
7. Charge to the Shared Governance Task Force, dated 19 September 2006
8. Criteria based approach to shared university governance, approved by Senate Assembly on 18 April 2005
9. DRAFT Memorandum regarding executive committees formation and operation, undated
10. Briefing document: gender identity and gender expression, undated
11. DRAFT Senate Assembly Agenda
12. Voted Actions of SACUA, updated 6 February 2006
13. DRAFT Motion for Senate Assembly

Chair Giordani convened the meeting at 2:10 P.M.; the draft agenda was approved.

**CONSIDERATION OF MINUTES**

The minutes of 6 February were corrected and approved.

## DRAFT MEMORANDUM TO GOVERNING FACULTY AND EXECUTIVE COMMITTEES

Professor Meerkov introduced distributed item 9. Members made editorial recommendations and suggested that a revised draft be considered by SACUA for its endorsement on 20 February 2006 and subsequent consideration by Senate Assembly.

### ANNOUNCEMENTS/UPDATES

Chair Giordani announced that the chair and vice chair met with the provost on Wednesday, 8 February. Topics included:

1. The report made by the CESF chair regarding retiree benefits. The provost said that a plan does exist, and that he would discuss it with SACUA today.
2. Pharmacy benefits rebates and the faculty hearing committee report.
3. Models adopted by the Senate Assembly for election of executive committee members. The provost said that he still favors model F2 over that adopted by the Assembly.

### VISIT OF PROVOST GRAMLICH

The provost and K. Gibbons arrived at 2:35 P.M.

#### Academic Unit Executive Committees-

Chair Giordani pointed out that language in the Faculty Handbook and the Governance Principles book acknowledge that the governing faculty possess authority to define criteria for election of executive committee members

Professor Meerkov called attention to distributed item 9. He explained that the current document was still in draft form, but that it would be a fruitful dimension of shared governance if both the provost and SACUA signed the final version. The provost replied that he would have to study the language and its implications further.

SACUA members and the provost next engaged in discussion about the advisability of two alternative models for academic unit executive committee composition. The model favored by the provost is one whereby 2 names are submitted from the unit to the provost. These are supposed to be the two people who garnered the largest numbers of votes. The provost would select one of these names, normally the highest vote getter, transmit it to the president, and the president would recommend that individual to the Board of Regents for appointment to the executive committee. This model has been called "F2" in shorthand notation.

The alternative model, adopted by vote of Senate Assembly has been labeled "F1". By this model, only the name of the winner of the election is transmitted to the provost. The provost said that he would not support this model. He cited Regents' Bylaw Section 11 as stipulating that executive committee members are appointed on the recommendation of the president. He said that if only one name is brought forward, and if that candidate is unacceptable to the provost or president, the president would be free to recommend anyone whom she wishes without constraint.

Professor Smith pointed out that if the Bylaw is interpreted to mean that the president can ignore the vote of the unit faculty, that model applies under F2 as well as F1. The provost replied that he was willing to make public assurance that if two names were submitted, and if the top candidate was unacceptable, the second candidate would be selected.

Professor Lehman asked about the causal steps that lead to rejection of a winning candidate. Was there a blacklist of faculty names maintained in the provost's office? The provost shook his head. In that case, it must be that a dean tells the provost that he or she does not want the elected faculty member to serve on the executive committee. The provost acknowledged that such a situation did occur in the recent election within the College of Engineering.

Professor Smith noted that the Senate Assembly had adopted model F1 by overwhelming majority vote, and that both SACUA and the administration were obligated to find ways to make that model work. Chair Giordani said that if the president refuses to recommend the candidate elected by a unit, the matter should go back to the unit for further deliberation.

The provost said that model F1 would require a change to the Regents' Bylaws because there is an unspecified step between unit elections and executive committee appointments. Professor Smith replied that he did not see any need to change existing bylaws, and that he thought the president should be trusted to do the right thing. The provost replied that he has placed his counter offer on the table. Professor Krasny pointed out that the Assembly members were not present to hear the provost's offer. Professor Meerkov invited the provost to attend the Assembly meeting on 20 February in order to present his argument to the Assembly members. The provost said he would be willing to do so.

SACUA meeting with provost-designate Sullivan-

Provost Gramlich stated that he has no objection to a meeting between the provost-designate and SACUA during one of her visits to campus. Ms. Gibbons pointed out that Sullivan has not visited on a Monday thus far. SACUA members expressed the willingness to arrange a special meeting at a date and time that fits within Sullivan's schedule.

Rebates from Pharmacy Benefits Managers-

The provost said that L. Thomas and T. Slottow will report on the status of rebates at a meeting of the CESF on Tuesday, 14 February. He said that their report would document that the rebates go into a fund that reduces premium payments over time. He said that the fund cannot be used for other payments, and that reports to the contrary to Budget Study and CESF had been "bad information".

Retiree Health Benefits-

The provost said that L. Thomas and T. Slottow would likewise address funding for retiree health benefits at the same meeting of CESF. He explained that the benefits do not have a dedicated revenue sources, unlike social security. He said that essentially, the liability for retiree health care costs are matched against the assets of the university, and that current revenue finances the health care system. He said that the U-M reports this liability to bond credit rating

agencies, and that they have been open and above board. He said that reports about the liability seem like “scare mongering”. He said that the U-M has funding for the liabilities.

Professor Smith responded that the issue traces to statements from administrative staff in the benefits office, who reported to the CESF that (1) federal law about reporting health care liabilities will change in 2008, (2) the number of U-M retirees would double in 5 years, and (3) increases in health costs of 20% would create a crisis. The administration representatives were the ones who raised the specter of ceasing the provision of retiree health benefits, or alternatively of increasing the tax on departments that could lead to salary reductions for active faculty. The provost replied that he supposed such reports would generate concern. The provost pointed out that last year the cost increase for health care was only 1%, and that for retirees over age 65, Medicare shoulders the brunt of health care costs.

Professor Lehman asked whether the U-M recognize an implicit contract to provide health care benefits to its employees and retirees. The provost replied “Yes” and said SACUA could “put that in the minutes.” He added that the institution takes the responsibility for benefits very seriously, though he added it was not to say that there might need to be some adjustments to benefits at some point. Professor Smith remarked that nobody will retire if they fear losing their health benefits. The provost replied that he did not know how many universities have been removing health benefits, but that he would bet that the U-M would be among the very last to do so.

#### Faculty Hearing Committee Report-

The provost stated that he understood that the faculty member named in the Faculty Hearing Committee report transmitted to his office was involved in a lawsuit with the U-M, and that he would not comment on the report. Chair Giordani asked for confirmation that the provost had indeed received the report; the provost replied that he did receive it.

#### Racial Bias Lawsuit-

Professor Smith asked about the status of a lawsuit brought by 8 students recently. Provost Gramlich replied that he is not handling the case, but that he believes the university has some issues about the facts.

The guests left the meeting at 3:23 P.M.

#### VISIT OF LGBT REPRESENTATIVES

J. Simpson and G. Javier joined the meeting at 3:25 P.M. They provided SACUA members with distributed item 10. Ms. Simpson reviewed the briefing document with close parallel to the text. She requested that SACUA bring forward to Senate Assembly a request that the Regents amend their bylaws to include explicit text affirming nondiscrimination based on gender expression and gender identity.

Professor Zorn asked about financial implications with respect to modifications to facilities on campus. Ms. Simpson replied that she did not have a definite answer, but that they would probably be not much different than at present; she said the costs would emerge at time of building renovation. Professor Smith asked if restrooms were the issue. Ms. Simpson said no,

that the issue was that people want protection under non-discrimination policy. Chair Giordani asked if there is any opposition to the request. Professor Smith noted that there are some constitutional issues that are being debated in the courts. Professor Seabury stated that he planned to draft a resolution about the matter and offer it to SACUA.

The guests left the meeting at 3:50 P.M. There was a brief recess until 3:55 P.M.

## COMMITTEE LIAISON REPORTS

### AAAC-

Professor Zorn reported that in an effort to strengthen the faculty's mandated responsibilities in student admissions, members of the AAAC are proposing to study the correlations between (A) the four-year academic performance of our undergraduates, (B) the performance in their first two years at the university, and (C) their pre-admissions indicators. The study would also be sensitive to the correlation between declared major and academic success.

He reported that the AAAC intends to request the full cooperation of the Admissions Office and of the Registrar's Office in supplying the quantitative data necessary to carry out the study. The goal is to have the study done soon enough to have input from the teaching faculty be influential in making admissions decisions for Fall of 2007. He added that SACUA's support of, and advice on, this study would make a major contribution to its quality and overall influence. Time is an important factor and an early response from SACUA would be most helpful.

SACUA members engaged in a general discussion, with various opinions expressed: It seems like a big job, one that may take several years. It is possibly suitable for a doctoral dissertation from the School of Education. It may require a joint effort with the administration. There might be fruitful interaction with existing education evaluation programs. SACUA members will await a formal request from AAAC.

### General Counsel Advisory-

The committee received SACUA's query about follow up to Grievance Review Board reports three months after they were issued. The general counsel referred SACUA representative Smith, and Mr. Schneider to assistant VP J. Frumkin and D. Sharporn from the OGC. The meeting has not yet occurred. Professor Giordani said that he would like to attend the meeting, as well.

On a separate subject, the committee learned from the general counsel that faculty must clarify that they are speaking only for themselves when they voice opinions on some political topics. Professor Smith suggested that additional clarification was needed.

### Student Relations Advisory-

Professor Seabury said that the committee learned about the issue of adverse selection in student health services. He explained that as participation costs rise, healthy people opt out. The result is an insured population with expensive needs. He said that the trend indicates that an economic crisis may be looming. He said the committee also had a lively discussion about whether the 14<sup>th</sup>

amendment trumps the First Amendment. The topic emerged over concerns about publication of provocative cartoons in the *Michigan Daily*.

Multicultural-

Professor Meerkov said that the committee encountered a new issue. Some faculty would like to express opinions relevant to committee scope without repercussions. The idea is to have a blog for anonymous postings, but it would need a moderator. He asked if staff support was available for the effort. Mr. Schneider said that the Senate Office could ask for the necessary money. Chair Giordani added that CRLT has an initiative about blogging. Further discussion was postponed.

UNIVERSITY SHARED GOVERNANCE TASK FORCE

SACUA welcomed members of the task force at 4:10 P.M. Professor Berent reviewed the genesis of the criteria-based shared governance report (distributed item 8). Professor D'Alecy suggested that the next step should be a collaborative effort with the provost for improved and revised guidelines for involving faculty governance in institutional decision making. Professor Rush said that a second document, separate from the existing "Blue Book" was needed. He suggested that the task force prepare a draft, share it with the administration, and then get it approved as separate entity. Later on, he said, the two documents could be bound together, if desired.

Professor Maddock inquired about the status of unit governance initiatives. Professor Meerkov reviewed the history and outcomes of the unit governance task force. He said that one suggestion has been that the "Blue Book" might profitably be revised to include two new sections: how central governance should operate, and how unit governance should operate.

Professor D'Alecy said that any initiatives in this area require a buy-in from the provost, and that it is better to get it as soon as possible. Professor Meerkov suggested that the task force should debate the best models to involve central governance in decisions. Professor Berent said that he thought a criteria-based system would strengthen the hand of faculty governance in its arguments for future initiatives. Chair Giordani reminded the group that the Senate Assembly had approved the Criteria Based Approach to Shared University Governance at its 18 April 2005 meeting, representing the document from which the Shared Governance Task Force should work. Professor Meerkov said that the task force should be free to invite anyone it feels would be helpful for its work and final product. Professor D'Alecy asked what timeline was envisioned for completion of the task. SACUA members said they would like to see a report by the end of the winter semester.

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ACTION OF SACUA 021306-1 Professor Lehman moved that Professor D'Alecy shall be named chair of the University Shared Governance Task Force (multiple seconds).  
Vote on the Active Motion- Unanimous approval.  
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OLD/NEW BUSINESS

Professor Lehman inquired about the status of follow up to an action held over from 4 April 2005. Chair Giordani said that he would correspond with the cognizant department chair and inform SACUA of the outcome.

SACUA members reviewed the draft Senate Assembly agenda (distributed item 11) and decided to add the visit of the provost and re-consideration of executive committee selection procedures from 3:30 to 4:00 P.M. Potential action items for the Assembly will be moved to Old and New Business at 4:45 P.M.

Mr. Schneider said that he would report the status of SACUA nominations to the nominating committee by e-mail the following day.

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ACTION OF SACUA 021306-2 Professor Smith moved that SACUA endorse distributed item 13 as a resolution to Senate Assembly (multiple seconds). The text of the resolution was: Whereas members of the student body represent our University through their involvement in such areas as the performing arts, scientific endeavors, and in intercollegiate athletics;

Whereas such activities can be judged as beneficial to the University as a whole;

Whereas participation in these activities can unavoidably conflict with class schedules or activities;

Therefore, be it resolved that the Senate Assembly calls upon the Chair of the Senate Advisory Committee on University Affairs (SACUA) to annually endorse on behalf of Senate Assembly, the Provost's letter written on behalf of students at the University of Michigan who must miss classes due to their commitments to represent our institution across the nation and world.

Vote on the Active Motion:

Number Approving- 7

Number Disapproving- 1

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The meeting adjourned at 5:30 P.M.

Respectfully submitted,

John 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.