

Minutes of 10 April 2006
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Senate Advisory Committee on University Affairs
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MINUTES OF THE SACUA MEETING OF 10 APRIL 2006

Present: Combi, Giordani (Chair), Gull, Lehman, Meerkov, Seabury, Smith, Zorn; Schneider

Absent: Younker

Guests: B. Frier, B. MacAdam, J. Frumkin, L. Monts, J. Kulik, H. Nielsen, K. Riles

MATERIALS DISTRIBUTED:

1. Draft Agenda
2. Draft SACUA minutes of 3 April 2006
3. Electronic mail message from K. Riles to J. Lehman, dated 9 April 2006, regarding draft minutes of 3 April
4. Electronic mail message from B. Giordani to SACUA, dated 20 March 2006, regarding proposed revisions to SPG 201.34-1
5. Standard Practice Guide 201.34-1 revised 10/1/92
6. SPG 201.34-1 marked up for proposed revisions
7. Draft Senate Assembly agenda
8. Membership lists for IT Security Council, Ctools Faculty Advisory Committee, and Privacy Oversight Committee
9. Memorandum to B. Giordani from G. Schweitzer and P. Yester, dated 30 March 2006, regarding Annual Faculty Composition Report
10. Senate Resolution Concerning Gender Identity and Gender Expression
11. Memorandum from N. Gramlich to L. D'Alecy, dated 4 April 2006, regarding Criteria for Shared Governance Document
12. Proposed changes in University Policies, by B. W. Frier, dated 17 March 2005
13. USA: Police abuse against lesbian, gay, bisexual and transgender people. Press release from Amnesty International, dated 23 March 2006
14. Sex, Religion, and Politics: New Challenges in Discrimination Law, by S. J. Hirschfield and S. R. Wolf. The Chronicle of Higher Education, 27 May 2005
15. Final Draft Issue memorandum to S. Forrest and T. Sullivan, from M. Haan, undated, regarding recommendations for interdisciplinary research enhancement
16. Issue memo to T. Sullivan and S. Forrest from M. Haan, undated, regarding review and recommendations on burden of human subjects research regulation

17. Voted Actions of SACUA, updated 9 April 2006
18. SACUA/Senate Assembly Planning Schedule, updated 10 April 2006
19. Online Ratings of Teaching, by J. Kulik, dated 10 April 2006
20. FY2006 SACUA Budget (6 April 2006 Estimate)

Chair Giordani convened the meeting at 2:00 P.M.; the draft agenda was approved.

VISIT OF J. FRUMKIN

The guest arrived at 2:00 P.M. SACUA asked about the reasoning behind proposed revisions to SPG 201.34-1 (distributed items 5 and 6). Dr. Frumkin said that the revisions were part of an effort to update SPGs across the board. He said that these revisions had lagged a bit owing to staffing changes within the provost's office and also to the impact of the formation of LEO on professorial titles. He explained that the proposed changes were as follows:

1. At the request of the Medical School, clinical instructors with less than 50% appointments will be classified as adjunct clinical faculty; those with greater than 50% appointments will be classified as clinical faculty.
2. Clinical track faculty are excluded from the bargaining unit represented by LEO.
3. Occasionally tenure track faculty temporarily hold non-tenure track positions, such as that of lecturer at Flint or Dearborn; these are likewise excluded from the LEO bargaining unit.
4. Some people, roughly 25 to 30, hold lecturer titles but they are in supervisory roles, and some are confidential employees, mainly in the office of the general counsel; these are likewise excluded from the bargaining unit.
5. Visiting faculty will be classified as either category I or II. Category I lecturers to professors hold regular positions elsewhere, but they are typically here for one year or less. Category II visiting faculty do not hold an appointment at another institution; the title has been used particularly at Flint and Dearborn as a work around to hiring adjunct lecturers at 100% prior to the LEO contract.
6. Instructional faculty will be characterized either as "regular" or "supplemental."
7. Supplemental instructional faculty include adjunct instructional faculty (bargained-for), adjunct clinical instructional faculty (not bargained-for) and visiting instructional faculty.
8. Contract negotiations with LEO culminated in the new nomenclature; collective bargaining agreements trump all other policies in the university, and hence the SPG revisions are intended to mirror the contract language.

Professor Smith asked to what extent units ignore central rules about titles and duties. Dr. Frumkin replied that this is a large, dynamic place. Smith asked if Frumkin's office tracks appointment information about all faculty; Frumkin replied that they obtain their information from departments, but that they do not police policy.

Professor Smith pointed out that SACUA's ongoing study tenure probationary periods has uncovered 200 tenure track faculty who are present in annual "snapshots" of faculty composition but who are not present in the Human Resources records being supplied for the study. Dr. Frumkin replied that he was almost certain the discrepancy traces to a lag in processing termination papers.

Professor Smith asked if the proposed revisions change in any way the number of people who will be in LEO. Dr. Frumkin replied that it would not. Smith asked about the status of named visiting professorships. Frumkin said that if the individual comes from another institution, they will be classified as visiting I; otherwise there will be a need to negotiate an exception with LEO.

Professor Meerkov asked if LEO has been positive development. Dr. Frumkin replied that on the one hand it was too early to tell: the status of lecturers have been enhanced, and consistency of treatment has led to improvement in academic staffing of departments; whether or not bargaining relationship helps or hinders academic performance remains to be seen. Professor Meerkov suggested that Frumkin begin tracking performance as judged by opinions, etc. so that records exist. Dr. Frumkin replied that his office is beginning to do that.

Professor Zorn asked whether the administration would object to having LEO join SACUA as an observer. Dr. Frumkin replied that the administration's position is that faculty governance is not subject to collective bargaining, and that the role of lecturers and others is up to faculty governance itself.

The guest left the meeting at 2:35 P.M.

VISIT OF J. KULIK, L. MONTS, AND H. NIELSEN

The guests joined the meeting at 2:37 P.M. After a round of introductions Chair Giordani invited the guests to describe the status of planning for on-line teaching evaluations. Dr. Kulik distributed item 19. His remarks closely paralleled the handout.

Professor Smith asked who has access to the evaluation results. Dr. Kulik said they are returned to the faculty, but in most cases department chairs get copies automatically. He said the evaluation data cannot be considered confidential under FOIA, but that written comments have been protected as confidential.

Professor Lehman cited a statement by former provost B. Machen affirming that the evaluation results belong to the individual faculty. Dr. Monts responded that he understands the university position is that they are in fact university property, and he urged SACUA to check with the general counsel. Chair Giordani asked whether faculty can simply opt out of the university-run evaluation process and use their own evaluations. Monts said that the provost's office requires some form of evaluation to be part of promotion portfolios.

Professor Meerkov pointed to a figure in distributed item 19 portraying student satisfaction with their courses. He asked if the data could be separated out according to undergraduate and graduate classes. Dr. Kulik replied that he would certainly do that and provide the information to SACUA.

Professor Seabury asked how many colleges have no evaluation system for teaching. Dr. Kulik said he did not have the figures at hand, but he knew that all 25 of the largest public

universities have a system. Dr. Monts added that all CIC schools perform evaluations, and that he would venture to say that all AAU universities have one.

Professor Smith expressed concern that the on-line system makes it possible for people who never attend class to evaluate the teaching.

Professor Seabury asked how many people lost their jobs, at Brigham Young University, for example, when the on-line system was implemented. Further, he asked whether the job could be outsourced. Dr. Kulik replied that the U-M has a large local investment in database management, and that it is hard to imagine outsourcing the evaluations. Ms. Nielsen added that the evaluations would probably be integrated with other U-M software systems, such as Ctools.

Dr. Kulik reviewed the results of trials with both paper and on-line evaluations in the College of Engineering (ENG 100 and 101) and in some LSA graduate programs. He noted that response rates were comparable in Engineering (75%) but that on-line response rates were lower in LSA (80% paper versus 65% on-line). He added that on-line response rates were even lower at other universities that implemented on-line evaluations for all courses.

Professor Meerkov pointed out that response rate is a crucial element, and that we should not be willing to sacrifice response rate as part of a new system. He asked how faculty and students had been involved in the development of this new system. Dr. Kulik replied that several years there had been a university-wide evaluation of the system. That was last time of any formal involvement by faculty and students. Professor Meerkov asked if it would be helpful to have faculty and students on an advisory committee. Dr. Monts said that the administration was going to build a communication plan starting at student orientation to encourage response rates. Chair Giordani suggested that it would be an opportune time to go to the faculty for a buy-in to the new system.

Dr. Monts said that the administration was simply trying to put in place a system that is more efficient. Professor Zorn said that the issue is not just the mechanism, but rather with the nature of administration-mandated questions and even the sequences of questions. Professor Lehman asked whether the reason for excluding faculty and student opinion from the design phase was that this was considered strictly a business decision in terms of cost-cutting and efficiencies of time. Dr. Monts said that part of it is so, but that students respond to technological changes and that this is perceived to be something that will appeal to them.

Professor Lehman pointed out that the on-line evaluations must have personal identifications linked to them to prevent, for example, multiple responses. He asked how that information was being handled within the administration. Dr. Monts said that E&E would not distribute the name-linked information to department chairs, for example, because it was confidential. Lehman asked Kulik if he had access to the data; Kulik acknowledged that he did have such access in the case of the pilot studies. Lehman asked if the "confidential" employees recently described by Dr. Frumkin earlier in the meeting would have similar access. There was no answer forthcoming.

Professor Meerkov expressed incredulity that the administration would develop such a system without continuous input from faculty and students. Dr. Monts stressed that the on-line system would be more secure than the paper system. Meerkov replied that he was sympathetic about issues of efficiency and economics, but that lower response rate is a step backward. Monts said that he expects increased participation following the impending communication plan. Professor Meerkov asked why he felt no need for advice. Dr. Monts replied that E&E would get feedback as they go; there was no need to proliferate committees.

Professor Frier pointed out that the drop in evaluation scores within LSA from paper to on-line evaluations seemed large and significant. He said it would be catastrophic for promotion and merit decisions. Dr. Kulik replied that the drop in scores would definitely occur, that it had been seen at Northwestern as well.

Professor Riles asked whether Dr. Monts planned on taking the matter to the AAAC. Monts replied that he certainly could do that. Ms. Nielsen pointed out that one of the design options under consideration was to integrate on-line evaluations with either Ctools or Wolverine Access. Dr. Monts said that once they had the on-line evaluations implemented, they can improve on it with feedback from various places within the university.

The guests left the meeting at 4:45 P.M.

CONSIDERATION OF MINUTES

The minutes of 3 April 2006 were amended and approved pending response from the president regarding the account of her meeting with SACUA.

ANNOUNCEMENTS Chair Giordani announced:

1. The Annual Faculty Composition Report (distributed item 9) has been received from the provost's office.
2. Membership lists of IT committees (distributed item 8) identify the members with faculty appointments; SACUA needs to name a replacement member for the Privacy Committee.
3. The provost has replied saying that he has decided not to participate in the university shared governance task force (distributed item 11). Professor Meerkov said that the task force will meet next on 12 April, and will continue to improve its report and recommendations.

ACTION OF SACUA 041006-1

Professor Smith moved to take up the motion about gender expression that had been placed to the table at the previous meeting. SACUA members signified unanimous consent.

GENDER EXPRESSION AND GENDER IDENTIFICATION RESOLUTION

Whereas transgender persons are vulnerable to discrimination, harassment, and violence;

Whereas student groups have rallied to influence the University Administration and the Board of Regents to include "gender expression and gender identity" in the list of categories protected against discrimination;

Whereas the University Administration has responded to these pressures by including "gender identity and gender expression" as a footnote to the category of "sex" in SPG 201.35;

Whereas gender identity and gender expression are not conceptual sub-categories of sex as presently stated in the University's non-discrimination policies;

Whereas 52 colleges and universities across the United States have to date changed their nondiscrimination policies to include gender identity and gender expression as protected categories;

Whereas the University of Michigan faculty have not yet spoken in support of these changes through its governing structure of the Senate Assembly;

Therefore the Senate Assembly resolves that the University of Michigan Regents Bylaw 14.06 should be changed to include "gender identity" and "gender expression" as categories in the nondiscrimination policy statement.

Be it also resolved that Standard Practice Guide policy on non-discrimination (201.35) should be changed to include "gender identity" and "gender expression" with all other categories in this SPG, and NOT as a footnote to "sex" as presently written.

Be it also resolved that the Standard Practice Guide preventing discrimination based on sexual orientation (601.6) should be broadened to include "gender identity" and "gender expression" as categories protected by this policy.

Discussion of the Active Motion-

Professor Frier responded to Professor Zorn's suggestion about revising language about Vietnam-Era veterans in the existing Bylaw. He said that a taskforce developed criteria for making a case to the Regents about real dangers of discrimination, and that the veteran language may not rise to the level of issue. Professor Zorn said that he agrees it is a different issue, and it would needlessly complicate the matter at hand.

Professor Meerkov asked whether the proposed changes have any functional implications. Professor Frier replied not really, but that there is a perception that could be rectified.

Vote on the Active Motion: Number Approving- 6 Number Disapproving- 1

Professor Seabury asked that background material be distributed to the Senate Assembly as well as the resolution itself.

SENATE ASSEMBLY AGENDA

SACUA discussed the range of potential agenda topics for the April meeting of the Assembly. Members agreed to invite status reports from a number of committees even if the final reports were not ready. The members also agreed to schedule an additional meeting of the Assembly on 15 May. Guests will be invited to describe on-line teaching evaluations, and a resolution will be proposed.

COMMITTEE LIAISON REPORTS

CESF- Professor Smith said that a subcommittee of CESF has developed an excellent statement about retiree benefits and health benefits, but it has not yet been reviewed by the committee of the whole.

Budget Study Committee- Professor Smith said that the committee meets Wednesday to finalize its report, and that it could be ready for the Senate Assembly meeting.

McDonald-Weiss Flexible Tenure Committee- Professor Gull said that the committee was supposed to meet this morning, but the meeting had been cancelled and no alternate date has yet been scheduled. Professor Smith remarked that the State Conference of the AAUP met on 8 April in Lansing; one topic of the meeting was changes to tenure. He said that the provosts of both Michigan State University and Oakland University declared that the changes proposed by the McDonald-Weiss committee at the U-M would be unacceptable on their campuses; they would be bad for their faculty, and bad for their institutions.

Professor Smith pointed out that SACUA undertook complete reanalysis of tenure probationary periods after a suggestion from the provost's office that the original data supplied might be flawed. Rather than faculty "snapshots" on a fixed date, the new data set is reported to list dates when the clock began, as well as outcomes. The time frame is 1990 to the present, more than 2000 individuals are in the data set. Inexplicably, however, 200 faculty identified through snapshots are not in the new database, and the administration has been dragging its heels about resolving the discrepancy.

OLD AND NEW BUSINESS

Professor Meerkov pointed out that a meeting with the Provost needs to be rescheduled.

EXECUTIVE SESSION

The meeting entered executive session at 5:05 P.M. to discuss the Faculty Senate Office budget.

The meeting resumed open session at 5:09 P.M. Professor Smith requested increased budget detail be included for further budget discussions.

The meeting adjourned at 5:10 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.