

Minutes of 25 April 2005  
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**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 25 APRIL 2004**

**PRESENT:** S. Berent (Chair), M. Combi, W. Ensminger, B. Giordani, R. Gull, J. Lehman, S. Pedraza (Vice Chair), J. Zorn; C. Smith, B. A. Younker; J. Leu, T. Schneider

**ABSENT:** S. Meerkov

**GUESTS:** K. Bergquist, P. Courant

**MATERIALS DISTRIBUTED**

1. Proposed agenda
2. Draft minutes of 11 April 2005 SACUA meeting along with proposed corrections from Provost Courant
3. Letter to Donna Euben, General Counsel for the national AAUP from Stanley Berent and John T. Lehman regarding proposed conflicts policy documents dated April 19, 2005
4. Draft Procedures for SPG 201.65-1 Conflicts of Interest and Conflicts of Commitment dated 4 March 2005.
5. Draft SPG 201.65-1 dated 29 March 2005.
6. Document entitled Background Materials for AAAC discussion on 13 April 2005.
7. Draft A Selective History of Work on the University of Michigan's Conflict of Interest and Conflict of Commitment Policy and Procedures dated March 29, 2005
8. Memo to President Mary Sue Coleman from SACUA regarding administration evaluations by AEC dated March 21, 2005
9. Drafts of potential memos for distribution of AEC results to the President, Deans, and Regents dated March 9, 2005
10. Document entitled *Criteria Based Approach to Shared University Governance - April 2005*
11. SACUA Office Budget Request memo dated 13 April 2005
12. Materials in support of the 2005 Distinguished Faculty Governance Award nominations
13. SACUA/Senate Assembly Planning Schedule dated April 18, 2005

Chair Berent called the meeting to order at 2:00 p.m. and the proposed agenda was approved.

**CONSIDERATION OF MINUTES**

The minutes of the SACUA meeting of 11 April 2005 were approved with changes and with one abstention.

### **ANNOUNCEMENTS/UPDATES**

Chair Berent directed SACUA's attention to distributed item #3 and said the AAUP's response concerning the proposed SPG will be forwarded when received. Chair Berent also stated that President Coleman had made a University-wide announcement concerning her administration's renewed efforts to improve child care resources and that former SACUA member, Professor SeonAe Yeo, and SACUA's Child Care Task Force she chaired had been a driving force in convincing the administration of this need.

### **CONFLICT OF INTEREST/CONFLICT OF COMMITMENT (COI/COC)**

Chair Berent next directed SACUA's attention to distributed items # 4-7 concerning proposed conflict of interest and conflict of commitment (COI/COC) policy documents and stated that the administration had requested SACUA's response by May 3, 2005. Professor Zorn suggested that a "best practices" document might resolve many of the individual concerns he had heard raised. Chair Berent agreed with that assessment and stated a "frequently asked questions" (FAQ) document might similarly be helpful.

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### **ACTION OF SACUA 042505-1**

Professor Lehman moved that, "The proposed SPG, as written, is unacceptable to faculty governance." Professor Ensminger seconded the motion.

[The motion was eventually tabled.]

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Professor Lehman explained his motion stating that there are many things wrong with the document and, if faculty governance does not take a stand against the SPG, the administration will claim faculty had the opportunity to comment and that the administration adequately considered all comments prior to enacting the SPG. Professor Lehman further stated that the SPG was written without faculty input as if it were for a corporation and not a university that values free inquiry. Professor Lehman stated that he agreed with the Senate Assembly member who had stated at the Assembly's last meeting that the SPG was written for faculty not by faculty. Professor Giordani stated that there is a great deal of pressure from the Regents to implement a COI/COC policy and, in fact, the Regents are quickly developing their own policy. Professor Giordani stated that the proposed SPG is a call for policy development at the unit level but that the SPG should be amended to require faculty involvement in that policy development at the unit level. Professor Smith stated that if SACUA does not take a position against the SPG, it would go through as it is currently written even though there has not been adequate time allotted for faculty review. Chair Berent stated that COI/COC policies are not per se evil or one-sided and, without any policy, faculty might be at risk. Professor Lehman stated that national AAUP statements condemn top-heavy, bureaucrat-laden policies. Professor Lehman repeated that any University COI/COC policy should be written for and by faculty. Chair Berent asked SACUA if they desired to form a subcommittee to review the COI/COC documents and report back to SACUA at the May 2, 2005 SACUA meeting with the intent to respond to the administration by the May 3, 2005 deadline. Professor Zorn agreed but asked that SACUA continue its own discussion further.

Professor Giordani stated that section III.C. on page 3 of the proposed SPG states that the dean (but not the faculty) of each school is charged to develop the unit specific COI/COC policies. Professor Combi suggested that the language from the Regents' Bylaws on pages 6 through 8 of the SPG could be used to state that faculty should guide the unit specific policy development. Professor Zorn asked if faculty should decide individual cases. Professor Lehman responded affirmatively and added that an appeal process should be specified with similar faculty control. Professor Lehman identified section IV regarding violations on page 4 of the SPG as particularly onerous.

Chair Berent asked Professor Lehman if SACUA should table his motion to reject the proposed SPG until SACUA has the benefit of the work of the proposed subcommittee. Professor Gull spoke in favor of tabling the motion until SACUA is more informed.

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### **ACTION OF SACUA 042505-2**

Professor Lehman offered the following alternative motion with multiple seconds:  
WHEREAS, elected faculty governance received the SPG documents on an open distribution date of March 29, 2005; and  
WHEREAS, faculty have found reasons for concern with the process and deliberation;  
THEREFORE, faculty governance has serious reservations with the proposed SPG as it stands, owing to the inadequate involvement of faculty in the process and deliberation, and that the policy statement needs further deliberation by elected faculty governance; and  
THUS, we recommend that decisions regarding acceptance be postponed until required deliberation is taken.

Vote on the motion:

Approve: 9

Disapprove: 0

Abstain: 0

The motion passed.

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Chair Berent asked SACUA how long of a postponement would be needed. Professor Lehman stated SACUA would learn that as it reviewed the materials. Professor Ensminger stated that Senate Assembly should have the opportunity to be involved. At the request of SACUA, Chair Berent stated that he would provide a letter to General Counsel Marvin Krislov to alert him prior to May 3, 2005 of what the apparent direction SACUA's official response will be on that date. With the consent of SACUA, Chair Berent appointed Professors Giordani, Lehman and Smith as the members of the proposed subcommittee and named Professor Giordani chair. The subcommittee agreed to meet during the afternoon of April 27, 2005.

Mr. Bergquist left the meeting at 3:00 p.m.

### **OLD/NEW BUSINESS**

Chair Berent noted distributed item #8 and suggested incoming Chair Giordani and Vice Chair Gull discuss the letter with President Coleman at the next scheduled private meeting.

Chair Berent suggested postponing the topic of further distribution of the AEC results until Professor Meerkov can be present and it was agreed to.

Chair Berent stated that the incoming SACUA membership effective as of May 1 could decide the next steps for implementation of distributed item #10 *Criteria Based Approach to Shared University Governance – April 2005*. Professor Lehman stated that the previously discussed SPG issue is emblematic of the need for the *Criteria* document.

### **EXECUTIVE SESSION**

SACUA entered Executive Session at 3:15 p.m. to discuss:

1. A request from a faculty member involved with the SACUA Faculty Hearing Committee.
2. Selection of the Distinguished Faculty Governance Award recipient.
3. The FY2006 SACUA Office Budget Request
4. Committee Appointments

The scheduled Executive Session topic of Special Recognition Awards was postponed until Professor Meerkov could be present.

At 3:35 p.m., Provost Paul Courant arrived to present achievement awards to Professors Stan Berent, Bill Ensminger and Silvia Pedraza who are the outgoing SACUA members. The Provost left shortly afterward.

SACUA returned from Executive Session and the meeting was adjourned at 4:50 p.m.

Respectfully submitted,

Thomas E. Schneider  
SACUA Staff

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### **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.