

Minutes of 4 May 2009  
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**THE UNIVERSITY OF MICHIGAN**  
**Senate Advisory Committee on University Affairs**  
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**MINUTES OF THE SACUA MEETING OF 4 MAY 2009**

Present: Fraser, Frost, Lehman, Rothman, Stark, Thouless (chair); Carr, Schneider

Absent: Navvab, Poe, Tzeng

Guests: J. Zhu (*Daily* reporter), M. J. Frank (UM News and Information), K. Brown (*University Record*), K. W. Magee (DPS), D. Brown (DPS), J. King (office of provost), C. B. Smith (AAUP), H. Baier (associate VP for facilities and operations)

**MATERIALS DISTRIBUTED**

1. Proposed agenda
2. Draft minutes of 27 April 2009

Chair Thouless convened the meeting at 3:20 P.M. The draft agenda was approved.

**CONSIDERATION OF MINUTES**

The minutes of 27 April 2009 were approved.

**MATTERS ARISING**

Dr. Fraser suggested that CHO Winfield be invited to meet with SACUA in the near future to discuss pandemic preparedness and response of the university in light of the current concerns about a possible influenza outbreak.

**ANNOUNCEMENTS**

1. Chair Thouless welcomed the new members of SACUA.
2. E. Rothman will serve as member of the Faculty Hearing Committee by appointment of the chair.

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ACTION OF SACUA 050409-1

Chair Thouless moved that SACUA asks Secretary Lehman to continue to record the SACUA minutes for the 2009-2010 session while serving as a voting member by approval of Senate Assembly.

The action was approved unanimously.

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#### ACTION OF SACUA 050409-2

The Committee of the Whole developed and proposed the following resolution:

All votes taken by e-mail must be approved for such vote at a SACUA meeting that precedes the e-mail vote, and all such e-mail votes must be ratified at a subsequent SACUA meeting.

The action was approved unanimously.

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#### VISIT OF DPS EXECUTIVE DIRECTOR

K. W. Magee joined the meeting at 3:26 P.M. He introduced his supervisor, Hank Baier as well as DPS spokesperson D. Brown. H. Baier described the search process that resulted in the hire of Magee with start date of November 2008. After introductions, SACUA members asked director Magee a series of questions:

Q: How does your historical connection with the U-M dating to childhood affect your perspective?

A: The director replied that he has an interest in the history of the university, particularly athletics. He said that he plays no favorites and that he holds people in positions of authority such as DPS officials to a higher standard.

Q: The state is in serious recession. Is it affecting crime on campus?

A: The director said yes. According to the FBI crime index, crime rates had previously been down 19% but now it is up by 19%. Laptop computers are particular targets. The DPS bases its tactics on history and statistics. They are engaging in increased community-oriented policing including distribution of larceny reduction cards, which are warnings about risks of leaving belongings unattended. The DPS asks for feedback from MSA and others. One recent example is a suggestion to implement text messaging to DPS.

Q: Who has the authority to declare someone dangerous and to order that they must be removed from the Campus?

A: The director said that faculty would not be treated differently from regular citizens. Officers have the discretion to issue trespass warnings. Officers make a discretionary decision to warn on the street. However, Magee as executive director will interview recipients of any such warning at their request, and may lift or modify the warning. He pointed out that he had done so recently so that SACUA could interview a former research professor.

Q: What happens at the moment of DPS intervention that leads to trespass warning?

A: The director said that once fear is established with an individual the DPS has an obligation to act. However, subsequent review is important. The director said that he personally would sit down and interview the affected individuals and get to the bottom of the matter.

Q: How would an administrator contact DPS if he or she wanted officers to stand by at an office visit?

A: They could call DPS directly or dial 911, or send a request by e-mail. DPS plainclothes detectives are summoned to stand by at approximately 6 to 12 terminations each year. Lieutenant Neumann, who previously supervised in the criminal investigations unit area, is presently on another assignment.

Q: Is a log maintained of these calls for stand-bys?

A: The director said that he did not know, but that he was sure the calls and callers could be tracked down if necessary.

Q: In light of the constitutional independence of the U-M with regard to state law, where is the definition of trespass given? It is not defined in the Regental ordinances.

A: Associate VP Baier responded that ability to issue trespass orders comes with being an owner. He said that the Regents have the right of ownership, and that the ability of DPS to deliver trespass warnings is a delegation of that right. He said that it is unlawful to arrest someone for trespass on the first event. The prosecutors in Washtenaw County prefer not to prosecute for trespass until the third event.

Q: How is it reasonable to charge employees of the university with trespassing in their own office?

A: The director said that the order carries no conditions that he was aware of. He said that the order could be modified to apply only to a particular area, for example. He added that the majority of trespasses are outsiders.

Q: Who makes the call that a member of the public who is on campus is trespassing?

A: The officer on the street. Director Magee said that he has not had a call from an administrator asking that someone be charged with trespass. He said there would have to be a reason for issuing the order, such as fear of safety or loss of property. He said that he personally would not accommodate such a request from an administrator unless there was some substance to the fear.

Q: If a person believes that his personal property was stolen or destroyed from a campus location, where should that report be filed, and who will investigate? Will a report be filed?

A: The director said that it is important to distinguish between theft or destruction of personal property and the perception of ownership of property. If the property was on campus, the affected individual should contact DPS and file a claim. However, if it is a dispute of ownership, that is a civil matter, and the DPS will not get involved. Instead, they would refer the individual to civil courts and civil procedures.

Q: How do you evaluate cases when an administrator charges that a faculty member is dangerous?

A: The director said that evaluation would begin by consulting the management staff. They would conduct checks including through the Law Enforcement Information Network to learn if the individual has a permit to carry concealed weapons. He said that DPS will charge someone with filing a false police report if they believe that is the case. He said that the prosecutor's office makes the final determination in such cases, but that they are hard to prove.

Q: This is a situation where the employer, the U-M, owns a police force. How is fairness maintained?

A: The director replied that every investigation goes directly to the prosecutor, and that no determinations of charges are made by DPS.

#### EXECUTIVE SESSION

The meeting entered executive session at 4:25 P.M. in the presence of K. Magee, D. Brown, Professor Smith and vice provost King. The discussion involved matters surrounding a recent criminal case involving a former research professor arrested on campus.

#### OTHER BUSINESS

There was no other business.

The meeting adjourned at 5:20 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.

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