

Minutes of 27 June 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 27 JUNE 2004**

**PRESENT:** Giordani (Chair), Gull, Lehman, Meerkov, Seabury, Smith, Younker, Zorn; Leu, Schneider

**ABSENT:** Combi

**GUESTS:** M. Krislov, B. Metzger, L. Park, J. Weiss

**MATERIALS DISTRIBUTED:**

1. Agenda
2. Draft Minutes of June 13, 2005
3. Electronic mail message from J. Zorn to T. Schneider, dated 24 June 2005, regarding draft minutes of 13 June 2005
4. Electronic mail message from J. Zorn to SACUA, dated 20 June 2005, regarding Intercollegiate Athletics
5. "Intercollegiate Athletics and the American University (Epilogue)," by J. Duderstadt, undated
6. Draft Faculty Governance Service Award certificate
7. Report of Central Faculty Ombuds, 2004-2005
8. Draft SPG 201.65-1, Conflicts of Interest and Conflicts of Commitment (COI/COC)
9. Draft Procedures for SPG 201.65-1 COI/COC
10. Electronic mail message from M. Krislov to B. Giordani, dated 7 June 2005, regarding existing COI committees
11. University of Michigan Regents Action Request regarding Conflict of Interest (COI)
12. Electronic mail message from J. Lehman to SACUA, dated 7 June 2005 regarding COI/COC draft model, plus a summary of responses from SACUA members
13. Electronic mail message from T. Schneider to M. Krislov, dated 20 June 2005, regarding questions and topics for the 27 June meeting of SACUA
14. Faculty grievances filed 1998-2004
15. "Chapter 10: Resolution of Disputes," U-M Faculty Handbook
16. Updated SACUA/Senate Assembly Planning Schedule

Chair Giordani convened the meeting at 2:06 P.M. The draft agenda was adopted..

#### CONSIDERATION OF THE MINUTES OF 20 JUNE 2005

The minutes of 20 June 2005 were amended and approved with abstention by Professor Lehman.

#### ANNOUNCEMENTS

Chair Giordani announced:

1. The SACUA meeting scheduled for 17 October is in conflict both with a study day and a religious holiday. The meeting will be cancelled if the scheduled visit by the president can be moved to a neighboring date.
2. A draft version of the Faculty Governance Service Award (distributed item 6) is offered for comment and final approval. The draft language was adopted with the amendment: "with acknowledgement of and appreciation for dedicated and exemplary service". Awards will be presented at the 26 September meeting of the Senate Assembly.

Professor Zorn asked that SACUA invite SRAC (Student Relations Advisory Committee) chair C. Akerlof to a future meeting to report on SRAC activities. Professor Zorn said that Professor Akerloff wished to meet briefly in order to bring closure to his own efforts over the past academic year.

Professor Zorn called attention to distributed item 5. He explained that he was offering it as an item for information but was not proposing action at the present time. He circulated critiques of existing practices in intercollegiate athletics from former president Duderstadt and from the "Drake Group."

#### CONFLICT OF INTEREST/CONFLICT OF COMMITMENT

Chair Giordani called attention to distributed items 9 to 12. SACUA members expressed reservations about the intentions and motivations driving the central administration to press for changes to current policy with so little substantive engagement with faculty governance. Professor Lehman pointed out that the administration's policy could be used to inhibit faculty ability to produce 21<sup>st</sup> Century versions of their textbooks in digital formats that include video and hyperlinks. Professor Smith remarked that the policy seemed to turn less on inherent issues of scholarship than on perceived market value of electronic media compared to paper textbooks. Chair Giordani said that he would invite associate provost J. Hilton to a future meeting for clarification.

Professor Seabury pointed out new Conflict of Commitment policy could conceivably authorize units to require faculty members to teach during the summer months rather than pursue other scholarly endeavors. He noted that with the advent of electronic versions of policy statements it is difficult to demonstrate the date when policy changes are added to electronic documents and that such changes could be made without faculty approval. Chair Giordani noted that change procedures probably do differ across units, though in the medical school changes are voted on by the faculty with changes highlighted in the document. He also noted that it was his understanding after discussions last year with the provost during a AAAC meeting related to expanding the electronic version of the University's SPG that archival versions of all Standard Practice Guide sections will be posted by date on the Internet.

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ACTION OF SACUA 062705-1

Professor Lehman moved: SACUA reserves judgment about the revised COI/COC policy and recommends that it not be adopted pending SACUA review and discussion at a special meeting on 11 July 2005. (multiple seconds). The action was approved unanimously.

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Chair Giordani expressed concern about prolonging input into the SPG, as he had been told that the Regents were expecting the SPG to be adopted soon. He noted that vice president Krislov and the provost spent considerable time at a recent SACUA meeting discussing COI/COC issues with SACUA and have been addressing the SACUA concerns with several drafts. He said that he would try to arrange a visit by the Associate Provost for Academic, Information, and Instructional Technology Affairs, J. Hilton, to the 11 July special meeting (Action 062705-1). Professor Meerkov pointed out that by holding a special meeting, SACUA was underlining to the administration the importance and concern that faculty governance assigns to this administration initiative. Professor Seabury asked specifically in reference to distributed item 8 whether “openness” was the appropriate term for a University value, or whether the right word was “transparency.” Further discussion of specifics was postponed until 11 July.

Chair Giordani called attention to distributed item 12. Professor Lehman said that the document, with help from other SACUA members, was an attempt to articulate meaningful COI/COC guidelines for the faculty as a self-regulating professional group. He suggested that a faculty-inspired model policy could be offered to the unit faculties in order to redress the deficiencies identified in the policy written by central administration. SACUA members commented that unlike the restrictive and corporate instincts revealed in the administration’s draft policy, in truth almost all academic activities engaged in by faculty members do not compete with the scholarly and academic mission of the university and national interest, but rather compliment them. Wide agreement was expressed that a hallmark of fair and meaningful COI/COC policy should be an appeals process consisting of faculty peers.

Chair Giordani suggested that existing unit grievance policies as cited in the SPG would undoubtedly be too time consuming for the type of rapid review that would be needed for an appeal on COI/COC issues. He said that in discussions with Dan Gamble in Human Resources, Gamble had suggested that perhaps existing grievance policies could be expanded to have a standing cross-school faculty committee to review COI/COC issues. Such a committee might provide a more reasonable and timely answer to COI/COC appeals as part of the existing grievance process than forming a new grievance committee each time a faculty member disagreed with a proposed plan. Professor Smith pointed out that the existing grievance system for faculty is a conspicuous failure mainly because there is no determinative role for the faculty in grievance decisions; even when grievance committees have found in favor of the faculty member the recommendations have been ignored by deans. If anything, he said, the grievance policy needs to be fixed, and faculty should not be ushered into a flawed and fundamentally unfair system. Several members expressed the belief that COI/COC appeals should be handled by faculty committees, with final appeal at the Senate Assembly level.

Professor Lehman asked that the administration's COI/COC SPG be taken to the Senate Assembly for a vote by the governing faculty. Chair Giordani pointed out that the proposed SPG policy did not need formal endorsement, as it covered both faculty and staff and that SPG changes are signed by the president. He also noted again that the administration has been working consistently with SACUA and responding to concerns that have been raised, consistent with shared governance policies that SACUA has been proposing. Other members suggested that the real issue is that the administration has taken the position that it will write a COI/COC policy for the faculty rather than to invite elected faculty governance to develop a policy in a true spirit of shared governance, even on a topic that is so squarely within the purview of faculty rights under the Regents' Bylaws. Chair Giordani pointed out that the SPG actually is a direct call for faculty in the units, along with staff and administrators, to write their own unit policies. He pointed out that SACUA should support the importance of faculty involvement at the unit level, and that distributed item 12 was a good start that SACUA could continue to work on before the first Senate Assembly meeting. SACUA members expressed support for the importance of having a determinative decision made by a faculty committee, and perhaps even having the Senate Assembly itself serve as the final step in the process in deciding on COI/COC appeals.

#### EXECUTIVE SESSION

The meeting entered executive session at 3 P.M. to discuss preparations for meeting with the general counsel, and to receive an activity report from central ombuds B. Metzger. The meeting resumed open session at 3:33 P.M. A brief recess was declared and Professor Seabury left the meeting at 3:35 P.M..

#### FLEXIBLE TENURE CLOCK

Associate Provost Janet Weiss joined the meeting at 3:40 P.M. She provided background on the committee on flexible tenure. She said that creation of such a committee had been suggested by a number of groups, including the Committee on Gender in Science & Engineering in order to review the current promotion and tenure rules. In addition, an American Council on Education (ACE) taskforce on tenure recently published its report. The report of the U-M committee will be finalized and sent to the provost by the end of the week, at which point it would also be made available to SACUA and Senate Assembly, as well as to faculty groups in each of the schools. She said that she expected discussions related to the report to go on for some time among faculty.

The associate provost stated that the report examines the pros and cons of increased flexibility within the tenure system, as well as making more specific some of the current policies that exist for lengthening or shortening the tenure process. Increased flexibility with the tenure period would benefit not only people who need to delay the process for various reasons as well as those who are prepared to come up for tenure sooner than the designated number of years. U-M's tenure policy is already quite flexible and the report recommends changes in that flexibility to make it more transparent and understandable. She cited accommodations that have been made for postdoctoral experience, dependent care, illness, and catastrophes. She said that flexibility can be used to accommodate different career tracks. She noted that these issues will be important to discuss in each of the schools and that the schools might possibly adopt somewhat different policies. She said that the committee strongly endorses tenure and that nobody supports

an indefinite probationary period. She said that more flexibility is desirable, and that there is already more flexibility than most people may realize.

Associate provost Weiss said that one recommended policy change applied to part time appointments on the tenure track. She noted that presently part time assistant professors are either fully on the tenure clock or are taken off the clock. She said the recommended policy would allow the tenure clock to advance in proportion to their appointment fraction.

Professor Zorn asked if the committee addressed the consequences of failures when putting people forward for early tenure decisions. The associate provost replied that present practices differ from unit to unit and that these differences were not specifically addressed. She explained further that it would be the faculty member's prerogative to decide to go to part time on the tenure clock.

Professor Smith asked why we should not assume that the new maximum limit of 10 years would not become typical. He noted that in his own experience, attaining tenure at the U-M in 4 years, the time to tenure has progressively risen to the maximum limit. The associate provost replied that they expected no change, and that competitive relationships with other universities could prevent the upward drift. She said that the committee wanted to make the criteria for early tenure more consistent and transparent. Professor Smith replied that the drive for a longer probationary period has been the economic considerations of promotion, and that would not change.

Professor Meerkov asked how Weiss envisioned faculty governance involvement in the policy discussion. Weiss replied that it could be involved in multiple ways. She said the provost's committee was committed to a thorough discussion. Committee members had other questions regarding potential consequences (both positive and negative) resulting from increased flexibility. The associate provost invited members to consult the full report when it becomes available. Chair Giordani asked whether there was a clear statement related to the importance of tenure to the university in the report. The associate provost said this was so and the committee discussed the importance of tenure to the university.

The guest left the meeting at 4:03 P.M.

**EXECUTIVE SESSION** The meeting entered Executive Session at 4:08 P.M. to meet with general counsel and vice president Krislov regarding the role of the general counsel's office in resolving faculty disputes with administrators. The meeting resumed open session at 5:25 P.M.

#### **COMMITTEE LIAISON REPORTS**

This agenda item was postponed.

The meeting was adjourned at 5:25 P.M.

Respectfully submitted,

John Lehman

Senate Secretary

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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.