

Minutes of 30 June 2014 SACUA
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THE UNIVERSITY OF MICHIGAN
Senate Advisory Committee on University Affairs (SACUA)
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Present: Holland, Lehman, Masten (chair), Oey, Schultz, Smith, Ziff; Schneider, Snyder

Absent: Mondro, Weineck

Guests: A. Curzan (Faculty Athletic Representative)

MATERIALS DISTRIBUTED

1. Draft agenda
2. Draft minutes of 16 June 2014
3. Sample faculty governance logos on letterhead.
4. Electronic mail message from M. Bowen to faculty governance groups, dated 18 June 2014, regarding Coalition on Intercollegiate Athletics (COIA) letter on NCAA restructuring and the FARs.
5. Draft Dear Colleague letter from M. E. Pollack, dated July 2014 regarding students who must miss classes due to their commitments to represent the UM.
6. Your Department Logo Idea Generator.
7. Memorandum from A. Curzan to members of SACUA, dated 30 June 2014, regarding UM Athletics- updates and review.

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

CONSIDERATION OF MINUTES

The minutes of 16 June 2014 were approved.

Announcements-

1. The chair met with the provost on 17 June and discussed the draft policy document from the College of Pharmacy that was distributed to SACUA on 16 June 2014. Professor Smith reported that the executive committee of Pharmacy has tabled the proposed policy until the new dean is installed.
2. C. Whitman informed SACUA that she will soon provide a response to SACUA's Fitness for Duty policy memo of 11 Feb 2014 and that the administration is open to discussion and modification of SPG 201.96 Professional Standards for Faculty.

3. The chair introduced the topic of standardized versus customizable rules across units, and the provost seemed interested in further discussion.
4. The provost has been contacting units regarding non-compliance of unit grievance procedures with the approved model.
5. The chair attended a two-hour meeting of the Advisory Board on Intercollegiate Athletics (ABIA). The meeting consisted mainly of presentations by staff members.
6. The Faculty Hearing Committee has met with a grievant and is assembling relevant documentation.
7. Suggestions for a Regents Update are welcome. Professor Oey recommended that the update report SACUA's interest in standardized policy across units for topics such as grievance policy.
8. The chair received distributed item 5 and asked if there were any objections to endorsing it on behalf of faculty governance. No objections were expressed.

FACULTY GOVERNANCE LOGO

Chair Masten called attention to distributed item 3. SACUA members continued their discussion of appropriate logos for faculty governance. The topic was placed to the table by unanimous vote.

LIASON REPORT

General Counsel Advisory Committee (Oey):

At the April 29 meeting of the General Counsel Advisory Committee, most of the discussion centered on the recent development of a new Sexual Misconduct policy in response to the Dear Colleague letter from the Obama Administration. Under this guidance, there is now an investigative mandate, whereas there was none before. There is also a change that the burden of proof has shifted to "preponderance of evidence" from "clear and convincing". The GC stated that the various individuals and groups working on developing the Student Sexual Misconduct Policy were seeking to comply with the letter and spirit of the 2011 Dear Colleague letter. The policy was generated with input from several faculty, including the Chair and other GCAC members. It is now considered a national model, and was implemented in August 2013. We are now seeing an increase in sexual misconduct cases, about 80/yr, which suggests that complainants are now feeling more comfortable bringing cases forward. There is reason to believe there is significant under-reporting of sexual misconduct on campus.

One of the most important issue that remains to be resolved is that of mandatory reporters. If a student confides in a faculty member about a sexual misconduct incident, then faculty considered to be administrators, as agents of the university, are required by Title IX to report the incident, regardless of the student's wishes. This raises numerous complex problems, including students' unawareness of the faculty member's status, when and how to inform students of such, preserving trust between students and faculty, enforceability, client confidentiality issues in professional schools, etc.

At the June 6 meeting of the GCAC, the GC's office presented the draft of an SPG that defines who qualifies as mandatory reporters. Ordinary faculty who are not serving in any type of administrative capacity are not meant to qualify as mandatory reporters, nor are clinicians with patient/client situations. When in doubt, faculty can contact the Office of the General Counsel to request legal advice as to their reporting obligation. SACUA is expected to receive a draft of the SPG as well.

UNFINISHED BUSINESS

Professor Lehman proposed that SACUA develop a recurring list of agenda topics, such as Fitness for Duty policy, for status updates at each meeting.

EXECUTIVE SESSION

The meeting entered executive session at 4:02 P.M. to develop nominations for appointment to the ABIA. FAR Anne Curzan joined the meeting at 4:15 P.M. to discuss distributed item 7. Discussions included missed class time policy, distribution of student-athlete majors, and clustering of student-athletes in specific courses. Currently, student-athlete policies are approved by the ABIA. SACUA members asked the FAR to provide a breakdown of majors for athletes from the revenue-generating sports: football and men's basketball.

The meeting resumed open session at 5:12 P.M.

There was no further business.

The meeting was adjourned at 5:12 P.M.

Respectfully submitted,

John T. Lehman
Interim Senate Secretary

University of Michigan Bylaws of the Board of Regents, Sec. 5.02:

Governing Bodies in Schools and Colleges

Sec. 4.01 The University Senate

"...[t]he Senate is authorized to consider any subject pertaining to the interests of the university, and to make recommendations to the Board of Regents in regard thereto. Decisions of the University Senate with respect to matters within its jurisdiction shall constitute the binding action of the university faculties. Jurisdiction over academic policies shall reside in the faculties of the various schools and colleges, but insofar as actions by the several faculties affect university policy as a whole, or schools and colleges other than the one in which they originate, they shall be brought before the University Senate."

Rules of the University Senate, the Senate Assembly and the Senate Advisory Committee on University Affairs:

Senate: "In all cases not covered by rules adopted by the Senate, the procedure in Robert's Rules of Order shall be followed."

Assembly: "The Assembly may adopt rules for the transaction of its business. In appropriate cases not covered by rules of the Assembly, the rules of the University Senate shall apply."

SACUA: "The committee may adopt rules for the transaction of its business."

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