

Minutes of 28 August 2006
Circulated 5 September 2006
Approved 11 September 2006

THE UNIVERSITY OF MICHIGAN
Senate Advisory Committee on University Affairs
6048 Fleming Administration Building
Ann Arbor, Michigan 48109-1340
Phone: (734) 764-0303
Fax: (734) 764-6564
www.sacua.umich.edu

Approved Minutes: www.sacua.umich.edu/sacua/sacua-minutes.html

MINUTES OF THE SACUA MEETING OF 28 AUGUST 2006

Present: M. Combi, B. Frier, B. Giordani, B. MacAdam, D. Potter, K. Riles, B. Seabury, C. B. Smith (Chair); J. Leu, T. Schneider

Absent: S. Meerkov, J. Lehman

MATERIALS DISTRIBUTED:

1. Draft Agenda
2. Draft minutes of the SACUA meeting of 31 July 2006
3. Thank you note from Peggie Hollingsworth
4. Electronic mail message from B. Seabury dated 21 August 2006 regarding *Chronicle of Higher Education* news item on Miami University offering free tuition to low-income students
5. Announcement flyer for the Sixteenth Annual University of Michigan Senate's Davis, Markert, Nickerson Lecture on Academic and Intellectual Freedom to be given on Monday, 16 October 2006 by Bill Keller on "Editors in Chains: Secrets, Security, and the Press"
6. "[Bush Camp Attacks Newspaper 'Treason'](#)", article from *The (London, England) Times* dated 29 June 2006
7. "[Bush Condemns Report on Sifting of Bank Records](#)", article from *The New York Times* dated 27 June 2006
8. Electronic mail messages from B. Frier, S. Meerkov, and K. Riles dated between 19 August 2006 and 23 August 2006 regarding the September 2006 Faculty Governance Update Report to the Regents
9. Track Changes version by K. Riles of the September 2006 Faculty Governance Update Report to the Regents originally drafted by S. Meerkov
10. Draft of the September 2006 Faculty Governance Update Report to the Regents by S. Meerkov
11. [Letter from Brenda L. Johnson and John P. Wilkin](#), Interim Co-University Librarians, to SACUA/Senate Assembly Chair Charles B. Smith dated 22 August 2006 regarding the question of assistant librarians and their full inclusion in faculty governance
12. Board of Regents of the University of Michigan Bylaws [Chapter IV. The University Senate](#)

13. ARTICLE 1. THE UNIVERSITY SENATE, Section 1. Membership, from the [Rules of the University Senate, the Senate Assembly, and the Senate Advisory Committee on University Affairs \(April 1997\)](#)
14. Draft Legal Disclaimer
15. SACUA/Senate Assembly Planning Schedule, updated 28 August 2006

SACUA Chair Smith convened the meeting at 2:05 p.m.

The agenda was approved with the addition of a liaison report.

CONSIDERATION OF MINUTES

The minutes of July 31, 2006 were approved without change.

ITEMS FOR INFORMATION/LIAISON REPORTS

1. The Chair announced that, due to SACUA member teaching responsibilities, SACUA meetings will commence at 2:30 p.m. instead of 2:00 p.m. for at least the fall term.
2. The Chair brought SACUA's attention to distributed item #3, a thank you note from P. J. Hollingsworth for the gift of flowers from SACUA.
3. The Chair informed SACUA that Bill Keller, Executive Director of *The New York Times*, will present the Sixteenth Annual University of Michigan Senate's Davis, Markert, Nickerson Lecture on Academic Freedom and Intellectual Freedom on Monday, October 16, 2006, in the Honigman Auditorium of the Law School. See distributed items #5, #6, and #7.
4. The Chair announced that annual Committee Day Luncheon will occur on September 18, 2006 in the Michigan Union Ballroom beginning at noon and continuing to approximately 1:30 p.m. The President will make her remarks at 1:00 p.m. and the Provost will make her remarks at 12:45 p.m.
5. The Chair informed SACUA that he had met the previous week with Chief Financial Officer Tim Slottow and Chief Human Resource Officer Laurita Thomas. He said they discussed the University's previous decision to stop reimbursement of Medicare Part B payments as well as the prior decision to discontinue dial-in internet service beginning in January, 2007. The Chair said that CFO Slottow and CHRO Thomas both said they would be pleased to continue meeting with faculty members of CESF, the Budget Study Committee, and SACUA and they are open to hearing any suggested changes to the actions taken earlier. They also said they would provide hard numbers explaining the costs involved as well as the savings to the University in dollars. They did say, if no change to the dial-up service occurs, that faculty could still purchase that service independently for about \$10 per month and seek reimbursement from their departments.
6. The Chair informed SACUA that, since her visit at the July 31, 2006 meeting, President Mary Sue Coleman had decided, against SACUA's recommendation, to initiate the Regents' Bylaw 5.09 action in the faculty member's unit rather than with Senate Assembly's Tenure Committee. Chair Smith stated that the President's decision seems to be based upon the belief that the executive committee of the faculty member's unit has a special knowledge to be able to judge whether the faculty member is qualified to teach a

specific course in that unit. The Chair said that it is his understanding the faculty member has not been notified of the pending 5.09 action despite 5.09's requirement that he be informed "promptly." It was suggested that the Chair send a letter to the President notifying her of the perceived lack of notification to the faculty member involved. Chair Smith informed SACUA that this faculty member had consulted recently with the local chapter of the American Association of University Professors (AAUP) and he told the AAUP: 1) that he has not been informed of the formal initiation of the 5.09 action, 2) that he is not allowed to teach the three courses he routinely teaches year after year, 3) that he has never taught the course he was told to teach, 4) that it would take time to prepare to teach the course as well as to obtain the necessary equipment and graduate student assistance, and 5) that this same course will not be taught again. The Chair stated that, on this basis, the AAUP felt this course assignment had been punitive. SACUA members questioned whether it was wise use of University resources to provide a faculty member with a full-time appointment including full-time salary but without teaching responsibilities. Chair Smith said that it is not completely unheard of for University faculty to refuse to teach a course but it is unheard of to use the sanctions of 5.09 to address the issue. It was said that the President seems to have been given some bad advice and that the consequence could be harmful to the University. SACUA continued with a review of the 5.09 procedures.

7. Professor Riles provided SACUA with the following liaison report:

The AAAC subcommittee carrying out a study of student academic success received the first requested admissions and registrar data last week. Subcommittee members were required to sign a Memorandum of Understanding (MOU) drafted by the General Counsel's Office, stating that the raw data itself and intermediate products derived from it must be destroyed at the end of the study period (6 months, but may be extended with the Provost's permission). The report from the subcommittee is not to be destroyed, but it can be shared only with AAAC and SACUA members and only with those members who agree not to disseminate it beyond those committees. I expressed my concern with this restriction on AAAC/SACUA autonomy, but signed the MOU, anyway. SACUA may wish to take this matter up with the Provost later. The data provided last week is not yet complete; the Registrar hopes to have the full data set available to us by the end of the month. What has been provided, however, is quite useful for developing analysis infrastructure. We have been given two database tables: 1) with 87,000 rows (students) and 28 columns concerning all applicants for fall 1999, and fall 2003-2005; and another 2) with 55,000 rows and 20 columns concerning all freshman enrollees from fall 1996 through fall 2005. The overlap of these two tables are 23,000 students who enrolled in fall 1999 or fall 2003-2005. The bulk of the AAAC study will be carried out with this subset. I am now writing programs to check these data sets for self consistency and for consistency with each other (some columns are in common) and writing programs to merge the data sets and analyze them. So far only a handful of inconsistencies have emerged, but much more scrubbing of the data is needed before I will feel confident in proceeding with analysis. It is unfortunate that the data has been made available so near the end of summer, when class preparation occupies most of my time; progress on analysis will be slower than it would have been early in the summer, when the data request was made (and when it received prompt IRB approval).

SEPTEMBER REGENTS' FACULTY GOVERNANCE UPDATE

Several versions of draft September Regents' Faculty Governance Updates were discussed and it was agreed all Updates in the future would be submitted without attribution to the author but as a document presented by SACUA.

ACTION OF SACUA 082806-1

SACUA unanimously agreed to submit to the Regents the report drafted by S. Meerkov, with small revisions by K. Riles, for the September Regents' Faculty Governance Update as follows:

THE UNIVERSITY OF MICHIGAN
REGENTS COMMUNICATION
ITEM FOR INFORMATION

Subject: Faculty Governance Update

Shared governance between administrators and faculty is a foundation for successful operation of any university. The University of Michigan Regents Bylaws provide mechanisms for such co-operation. Indeed, at the university-wide level, Bylaw 4.01 declares that "*The 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*". At the unit level, Bylaw 5.06 states that "*The executive committee in addition to assisting with administrative functions shall be charged with the duties of investigating and formulating educational and instructional policies for consideration by the faculty and shall act for the faculty in matters of budgets, promotions, and appointments.*"

Unfortunately, the university faculty often takes less than full advantage of these opportunities. Indeed, the provision of Bylaw 4.01 has not been exercised in the recent past. Executive committees of many units, contrary to Bylaw 5.06, are not involved in issues of budget and academic administrative appointments.

To alleviate these deficiencies, in fall of 2005, SACUA created two ad-hoc committees to address the issues of shared governance at both university-wide and unit levels. This communication is intended to report to the Regents on the activities of these groups.

1. The main outcomes of one of these groups, the Unit Shared Governance Task Force, are a Report and subsequent Resolution of the Senate Assembly of February 20, 2006 concerning the election of unit executive committee members and the functions of those committees. These documents can be found at http://www.sacua.umich.edu/senateassembly/12-19-05_Unit-Shared-Governance.pdf and http://www.sacua.umich.edu/senateassembly/02-20-06_Resolution.pdf, respectively. According to the Resolution, "*The name of the eligible candidate with the largest number of votes is to be submitted to the Provost for subsequent Regental approval.*" This provision modifies the earlier practice in which a runner-up could be appointed to the executive committee instead.
1. In addition, the Resolution calls for executive committees to participate in shared governance by giving their "*consent for all academic administrative appointments in the unit, composition of search committees leading to these appointments, and to chair professorship nominations*" as well as "*to provide oversight of the budget*".

It is expected that these recommendations, after approval by the units, will be implemented during fall of 2006.

2. The second group, the University Shared Governance Task Force, is currently in the process of developing its recommendations. The general direction of these recommendations is that SACUA should be advised and consulted on existing or on new policies, which affect faculty life and satisfy certain criteria. These criteria are currently under discussions with the Provost. It is expected that these recommendations will be finalized and put in place by the end of 2006.

SACUA believes that the above described actions will substantially improve mutually productive co-operation between the faculty and the administration for the benefit of the University as a whole.

Submitted: September 2006

Regents' Bylaw 4.04. The Senate Assembly shall serve as the legislative arm of the senate...The assembly shall have power to consider and advise regarding all matters within the jurisdiction of the University Senate which affect the functioning of the University as an institution of higher learning, which concern its obligations to the state and to the community at large, and which relate to its internal organization insofar as such matters of internal organization involve general questions of educational policy.

ADMINISTRATION EVALUATION COMMITTEE (AEC) SURVEY QUESTIONS

It was agreed that all survey questions to be included in the AEC evaluation should be provided specifically to SACUA each year in advance of the actual evaluation process.

SENATE MEMBERSHIP

B. MacAdam and B. Frier brought SACUA's attention to distributed items #11, #12 and #13. MacAdam and Frier stated that the current Regents' Bylaws and Senate Rules appear to support the interpretation that Assistant Librarians can, in fact, be deemed members of the University Senate without any need for change. Moreover, the interpretation recognizing Assistant Librarians as Senate Members affects only one unit, the School of Information, which is the unit that would make that determination. It was agreed to ask the Rules Committee if it supports the foregoing interpretation of the Rules.

LEGAL DISCLAIMER

SACUA discussed its desire to protect aggrieved faculty member rights and to guard against any misunderstandings about SACUA's role in faculty disputes.

ACTION OF SACUA 082806-2

SACUA unanimously endorsed distributed item #14 with amendments so that it reads as follows:

DISCLAIMER AND NOTICE
(Endorsed unanimously by SACUA on August 28, 2006)

University faculty members often ask to discuss their grievances or complaints with SACUA or with other central faculty units. SACUA is almost always willing to listen with a sympathetic ear because it believes such discussions benefit not only the faculty member, but the University as a whole.

But such discussions are not a substitute for the other means by which aggrieved faculty members can resolve disputes: for instance, through mediation, consultation with ombudspersons, grievances, legal action, and so on. In particular, involving SACUA in a dispute does not alter the procedural requirements of these other procedures, nor does it change any deadlines they may impose. Moreover, SACUA is not in a position to offer legal advice, even if, as is sometimes the case, there are lawyers on SACUA or in the SACUA office; no attorney/client relationship is expressed or implied, and if you are unsure of your legal position we encourage you to consult with an attorney.

SACUA is fully aware of how stressful disputes can be, and it remains committed to assisting faculty members (and thereby the University) in every appropriate way. The purpose of this disclaimer is to assist faculty members in preserving and exercising their rights effectively.

OLD/NEW BUSINESS

There was no old/new business.

EXECUTIVE SESSION

At 3:45 p.m., SACUA entered into executive session to discuss Academic Program Group (APG) meeting summaries, recent Regents' communications, a faculty member's concern about his grievance process, and committee memberships.

The meeting adjourned at 5:00 P.M.

Respectfully submitted,

Thomas E. Schneider
Recorder *Pro Tem*

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.