

Minutes of 19 December 2005
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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 19 DECEMBER 2005

Present: Combi, Giordani (Chair), Gull, Lehman, Meerkov, Seabury, Smith, Younker, Zorn; Schneider

Absent: none

Guests: President Coleman, D. Gershsman, Jason Pesick, K. Riles, W. Schultz, K. Gibbons

MATERIALS DISTRIBUTED:

1. Draft Agenda
2. Approved minutes of 19 September 2005 and 3 October 2005
3. Minutes of 7, 14, and 28 November 2005
4. Minutes of 5 and 12 December 2005
5. SACUA Study of Tenure-Track Appointments University of Michigan – 1990 to 2003, by J. R. Lee and C. B. Smith, undated
6. Resolution for Senate Assembly action on 23 January 2005, introduced to Senate Assembly on 12 December 2005
7. [Comments on the Report on Flexible Tenure](#), Academic Affairs Advisory Committee, dated 30 November 2005
8. [Memorandum to B. Giordani from Tenure Committee](#), dated 1 December 2005, regarding flexible tenure probationary period report; request for comment
9. Flexible tenure clock recommendation email response, prepared by X. Li, updated 9 December 2005
10. Electronic mail message from J. H. Lawrence to J. Lehman, dated 13 December 2005, regarding flexible tenure policies (School of Education executive committee)
11. Responses by unit executive committees to questions about proposed tenure policy changes, various dates
12. [Letter to B. Giordani from D. A. Hollinger](#), dated 17 November 2005, regarding AAUP Committee A response to tenure policy proposals from U-M provost committee
13. [Letter from J. Kurland of the national office of AAUP](#), dated 15 September 2005, regarding proposed changes to the tenure probationary period at the University of Michigan

14. Guidelines regarding University of Michigan policies that govern time to tenure review (“The Tenure Clock”) and related matters (Ann Arbor Campus), Office of the Provost and Executive Vice President for Academic Affairs, 20 April 2005
15. [Report of the Unit Shared Governance Task Force](#), dated 16 December 2005
16. Academic Program Group Agenda, 12 December 2005
17. SACUA/Senate Assembly Planning Schedule, updated 16 December 2005

Chair Giordani convened the meeting at 2:00 P.M.

VISIT OF PRESIDENT COLEMAN

The guest arrived at 2:00 P.M.

Provost Search-

In response to an inquiry about the role of elected faculty governance in the search for provost, the president said that former SACUA chair Berent had been named a member of the search committee. Chair Giordani added that he, vice chair Gull, and AAAC chair Krasny met with the members of the search committee. She said that the committee consulted widely on campus, that the search is still in progress, and that the members have recently met with a candidate.

Professor Meerkov said that the search has the earmarks of a secretive process, and that practices used at the highest administrative levels have a tendency to propagate throughout the administration. He acknowledged that the provost works at the pleasure of the president, but he asserted that the faculty have a valid interest in the appointment. He said that the collective wisdom of the faculty is the most valuable resource we possess. The president replied that she is comfortable with the ongoing process, that these are confidential procedures, and that she is not going to change them.

Tenure Probationary Period-

Professor Zorn commented that much of the impetus for seeking changes to the tenure probationary period seems to be that demands on faculty with clinical duties are said to cause them to take longer to achieve tenure. Professor Smith remarked that analysis of personnel data shows that the existing probationary policy is working fine for the Medical School. He suggested that setting up a Medical School with different rules from the rest of the university is not good for the Medical School. The president said that she disagreed. She said she did not think that the University of Virginia suffered from a change to the probationary period for tenure track faculty with clinical responsibilities. She said there should be further discussion to see if change would benefit all faculty. Professor Smith replied that data show that faculty with clinical duties have been achieving tenure within the same time frame as everybody else.

Professor Younker said that the present conversation about tenure policy is an important one. She noted that many people leave after their third year review. She suggested that much more deserved inspection, including hiring practices, applicant pools, and profiles of those who leave. Professor Zorn responded that it may not be a bad thing if people leave. He said that we need vacancies into which to hire young people, particularly in the sciences. Professor Smith added that existing data should be adequate to learn how many by unit leave the U-M; he said

that in the Medical School they seem to move into clinical ranks so that they can maintain their practices.

President Coleman said that the provost's office was getting so many requests for exceptions to tenure probationary policy that it almost seemed like the exceptions were surpassing the rule. Professor Smith replied that the data should have shown that. Professor Lehman cited the study result that only 9 exceptions out of over 2500 cases resulted in probationary periods in excess of 8 years. Professor Meerkov remarked that because faculty are involved in this policy discussion he believed the best possible decision would be achieved. He applauded the administration for turning to the faculty for advice and discussion.

Financial Practices-

Professor Smith asked if the ongoing investigations of non-profit charitable organizations by the U.S. Senate Finance Committee presented any concerns for the U-M. The president replied that she knew that Senator Grassly has been concerned about the fractions of charitable contributions that go to the charitable work, but that concern did not seem to have any relevance for the U-M. Professor Smith cited ongoing investigation of American University for the compensation practices adopted by the governing board for the university president. President Coleman said that in the case of the U-M, the Regents conducted market based research before hiring her, and that HRAA job descriptions throughout the university have been changed to a market based system.

U-M Relations with China-

Professor Smith called attention to articles in the Ann Arbor News one week previously that reported a visit to China by the president and a U-M contingent. The president inquired whether Smith found anything inappropriate in that article. Smith replied that he did not, but that a number of people around campus are asking why it was important to go to China. President Coleman replied that planning for the trip was very good, and that the \$70,000 expended was very effectively spent.

Professor Meerkov said that faculty in the College of Engineering have had informal discussions about this subject, and that two arguments have been advanced. (1) What is the benefit for the U-M and Michigan in educating engineers in China considering that they will take jobs away from America? He cited an analogy to Russia-China relations whereby China appropriated information and technology and then expelled the Russians. (2) U-M faculty instruction at Chinese Universities potentially represents Conflicts of Interest and Commitment. Why are faculty barred by conflict of commitment policy from offering courses at UCLA or Purdue, but not at the University of Beijing?

President Coleman replied that the College of Engineering has been a leader in developing contacts in China. She offered her assessment of the situation. She noted that GM is a leading vendor of cars in China and that GM would like the U-M to educate engineers in China so they can hire them into U.S. companies manufacturing products abroad. She said this is a global economy and that some day a Chinese company may want to open a factory in Michigan. She said that the U-M is well known and respected in China. She said this visibility will work to the benefit of the university as students are recruited from China, not just into Engineering. She also

noted the important opportunities and experiences that have been developed for University of Michigan students through the University's contacts in China. She said there is a major initiative to develop the social sciences in China, including demographics and public opinion research. She reported that some U-M people will start to do the first nation-wide surveys in China. She added that the U-M furthermore needs to establish ties with alumni there so as to develop donor relationships. Finally, she said, because faculty teaching in China do so as an institutional decision, there is no conflict of commitment.

Professor Lehman remarked that Chinese authorities have been regularly criticized for laxity in enforcing patent and copyright ownership, and that intellectual property rights could be a significant issue for academic standards. The president replied that academic freedom and tenure policies were even more important. She expressed her view that China is changing rapidly and that she believes there will soon be a push from inventors to protect intellectual property. She suggested much of this pressure may come from the universities, particularly as they begin to hire many Chinese professionals who were trained in the West. She said that her delegation had frank discussions at the highest levels of government about how China cannot develop world class universities without respecting academic freedom, tenure practices, and intellectual property rights.

Chair Giordani asked whether there was any government pressure on the U-M resulting from the Sarbanes-Oxley Act. President Coleman responded that the Regents have been very responsive in terms of accountability, but the practices do cost money.

The guest left the meeting at 2:45 P.M.

The draft agenda was approved.

CONSIDERATION OF MINUTES

The approved minutes of 19 September 2005 were reconsidered, and were amended to include the text of the charge to the Shared University Governance Task Force, which previously had been listed only as a distributed item.

The approved minutes of 3 October 2005 were reconsidered, and were amended to include the text of the charge to the Unit Shared Governance Task Force, which previously had been listed only as a distributed item.

The minutes of 7 November 2005 were corrected and approved.

The minutes of 14 November 2005 were corrected and approved with one abstention.

The minutes of 28 November 2005 were corrected and approved.

The minutes of 5 December 2005 were corrected and approved. The chair stated that he would transmit the report of the Faculty Hearing Committee as adopted by SACUA to the provost and to the OVPR with a courtesy copy to Professor Kauffman.

The minutes of 12 December 2005 were corrected and approved.

UNIT SHARED GOVERNANCE TASKFORCE

Professors K. Riles, and W. Schulz as well as Ms. K. Gibbons from the office of the provost joined the meeting at 3:45 P.M. Professor Meerkov called attention to the report from the taskforce (distributed item 15). He said that the only matter over which significant disagreement existed was the so-called “rule of two.” He explained that current practice has been that membership on unit executive committees does not universally go to the candidate that gets the highest vote tally in unit elections. Rather, the names of the top two candidates are transmitted to the provost with recommendations from each dean, and one of the names is administratively selected and recommended to the Board of Regents.

Professor Meerkov said that the task force considered three alternative models for executive committee elections: F1. Executive committee members recommended to the Board of Regents should be those who get the highest vote tally. F2. The current selection process should be continued, but the provost would report to the president and the Board of Regents if the top vote-getter is not selected, and that faculty governance would be given summaries of the practices. F3. The current selection process should be continued, but actual vote totals should be made publicly available.

Professor Meerkov reported that the task force members cast 3 votes for F1, 5 votes for F2, and 0 votes for F3.

Professor Meerkov stated that the task force further considered current unit practices in light of the fact that the Regents’ Bylaws stipulate that executive committees are to act on behalf of the faculty in matters of tenure, promotion and budget. He said that two alternative models were considered: I1. Every action that goes forward from the unit should have the approval of the executive committee. I2. There should be different levels of differentiation requiring executive committee approval depending on the perceived significance of the issue. He said that the task force members universally favored I2.

Professor Meerkov reviewed other recommendations of the report, including the institution of secure electronic web-based voting procedures, and provision for the vote counting to be conducted with oversight by faculty governance. He said that the report is being presented first to SACUA and then subsequently to the Senate Assembly with the goal of having whatever measures are endorsed by the Assembly be introduced into the “blue book” of faculty involvement in central and unit faculty governance.

Professor Smith moved that SACUA accepts the report of the Unit Shared Governance Task Force, endorses its majority opinions and submits it to Senate Assembly (Seabury seconded).

Professor Gull expressed concern that the task force report contained no reference to the Dearborn and Flint regional campuses. Professor Smith pointed out that the regional campuses have their own governance systems and that the “Blue Book” was signed only by the provost of the Ann Arbor campus.

Professor Lehman asked if SACUA members, as elected representatives, were troubled by a recommendation that marginalizes the significance of the votes of faculty. Specifically, he said, he did not see sufficiently compelling reason to support option F2 over F1. Professor Seabury said that he shared Lehman's concern. Professor Meerkov pointed out that the administration has expressed its willingness to reveal the summary number of cases in which other than the top vote-getters are selected for executive committees, but to provide no specifics.

Ms. Gibbons said she was the first to bring up the need for discretion by administrators in the selection of executive committee members. She stated that votes by faculty for executive committee members are considered only advisory from faculty to deans. She said that deans make their own recommendations to the provost, and the provost passes them along to the president, and then to the Regents. She said that the "rule of two" provides the opportunity for discretion when appointing executive committee members. She said that it can be a way to enforce diversity of various types, e.g., gender, ethnicity, disciplinary, and so forth. She said the appointees are not just someone picked out of thin air. She said the provost's office has started to keep records of when the top candidates are not selected. She said the office has become tighter in seeking documentation. She said that in a recent review, there were only three cases among those where the top vote-getters were not selected where there is no reason documented.

Ms. Gibbons said that option F2 comes with a commitment that information will be openly shared. She said the same information would be made available to faculty governance as to the president and Regents; this would not include specific names, because she claimed doing so would be counterproductive. Professor Meerkov pointed out that the College of Engineering has constructed a variety of rules to assure, for example, that two members from the same department may not serve on the executive committee. Professor Smith asked why unit faculty should not be trusted to determine the various forms of diversity that they wish to assure on their own executive committees. Ms. Gibbons replied that doing so would completely close the door on discretion. She stated "this is not a democracy." Professor Smith remarked that Ms. Gibbons was making an important pronouncement by such statement to elected faculty governance.

Professor Zorn asked what fraction of faculty vote in the units. Professor Meerkov replied that statistics show that in Engineering about 30% voted in the most recent election. Professor Zorn suggested that a dean might not be able to work with a given faculty member elected by the faculty who turned out to vote.

Professor Riles, member of USGTF, stated that he favors F1. He asserted that principles of democratic government have served our country well. He said it ought to be the dean's problem if faculty vote to put a check on dean's power. He said it is insulting to the faculty to suggest they would not vote for women or minorities. He said that faculty deserve to have the person they vote for as their representative actually represent them. He suggested that the response rates might improve if the votes actually meant something meaningful, and if each election round there was opportunity to improve on previous election choices. Riles said that for elected faculty governance the choice was "a no brainer" and that the principle of self determination ought to be inviolable.

Professor Gull asked whether anyone thought the faculty should elect the U-M president. Professor Riles responded that the Board of Regents hires the president and thereby provides democratic oversight. Beyond that, he said, he would favor electing chairs and deans; accepting the corporate top-down command and control model for academic culture would be a sad acquiescence to the disenfranchisement of university faculty.

Professor Schulz said that the word “executive” in “executive committee” does not connote “democratic.” He said there is still democracy in the “rule of two.” He said faculty could elect two people who oppose the way a dean has been running the unit. He said that at present the regents do not know when someone has been passed over for executive committee. He said that now they will know and this will put checks and balances in place. He acknowledged, however, that it would probably not stop retaliation of the sort that is alleged to have occurred in the College of Engineering. Schulz added that “diversity” could take on many facets, including theorist versus experimentalist. Professor Gull expressed agreement with Schulz and pointed out that Regents’ Bylaw 5.06 (deans and executive committees) applies to Flint and Dearborn as well as to the Ann Arbor campus.

Professor Lehman said that an objective assessment of decisions based truly on “diversity” might be deduced by learning how often the provost has overruled and altered recommendations proposed by deans. Ms. Gibbons responded that she did not know the answer to that question.

Professor Meerkov pointed out that the “rule of two” does not follow from any Bylaw or written rule, but rather seems to arise from the fact that some years ago a provost asked a dean to provide two names for appointment to the unit executive committee. Professor Gull responded that the practice has been codified as “common law” by general counsel Sharphorn. Professor Lehman said it sounded akin to “legislating from the bench.” Lehman asked Ms. Gibbons to confirm for the record whether the office of the provost would inform faculty governance when top vote-getters are passed over for positions on executive committee. Ms. Gibbons replied that “summary information will be provided only.”

Professor Lehman proposed an amendment to the Active Motion: SACUA accepts the report of the Unit Shared Governance Task Force, endorses all of its recommendations save one: SACUA recommends to Senate Assembly that the Assembly adopt model F1 rather than F2. Both Professor Smith and Professor Seabury accepted the proposal as a friendly amendment.

Vote on the Active Motion: Number approving - 4 Number disapproving - 4 The tie was broken by Chair Giordani, disapproving. The motion was defeated.

ACTION OF SACUA 121905-1

Professor Smith moved that SACUA accepts the report of the Unit Shared Governance Task Force, and submits it to Senate Assembly. (Seabury seconded).
The action won unanimous approval.

Professor Meerkov expressed his thanks to the task force members and Senate Office staff for their work. He said he thought it was an excellent operation, and that Ms. Gibbons’ presence from the office of the provost was a welcome asset.

ACTION OF SACUA 121905-2 Professor Smith moved that SACUA commends the Unit Shared Governance Task Force and Senate support staff for the thoughtful, expeditious manner in which they executed their charge. (multiple seconds).

Professor Schulz remarked that Professor Meerkov was the agent of expeditiousness, and that inclusion of Ms. Gibbons was a good choice.

The Active Motion was approved unanimously.

RESPONSE TO PROVOST RE: 'FLEXIBLE TENURE' REPORT

Chair Giordani reminded SACUA that the provost has asked SACUA to provide a response to the report from the provost's committee on tenure policy by 31 January 2006. He noted that the timetable permits the Senate Assembly to meet and consider the SACUA response. He asked Professor Lehman to prepare a first draft about the importance of tenure, Professor Smith to prepare a section about statistical analysis of HRAA data, and he said that he and Professor Gull would prepare a first draft of the general report.

Professor Zorn reported that the provost has expressed reservations to AAAC about analyses in distributed item 5. Zorn said that the provost indicated he would ask the deans for their own data about personnel data. Professor Smith responded that item 5 was based on data supplied by HRAA, which presumably is the definitive university source for official employee data. He acknowledged that methodological errors are always possible, but that they can be uncovered and corrected by accepted practices. Professor Zorn suggested that Mr. Lee be invited to work with the provost office staff as they develop and interpret the data set provided by deans. Professor Smith agreed that SACUA should ask that Mr. Lee be included in the analysis being performed in the provost's office. It was agreed that Chair Giordani would convey the willingness of SACUA to (1) provide the provost the data that had been used for Professor Smith's presentation at Senate Assembly, (2) have Mr. Lee work with anyone designated in the provost's office to explain the data analyses used, and (3) to offer any other assistance that the provost's office might request related to the data.

SACUA members engaged in further discussion about the particulars of data analysis, and potential further steps that might be taken to sharpen interpretations of the data.

Professor Giordani reminded SACUA that Assembly speaker R. O'Neil had pointed out that UCLA employs a "Time Czar" with explicit responsibility to review all tenure track appointments each year for compliance with university tenure clock rules. He asked whether a similar system was needed at the U-M. Professor Meerkov asked that Giordani and Gull investigate the UCLA system and include it in their first draft report to the provost. Professor Combi asked that Professor Smith explore whether years since degree can account for a statistically significant difference between units in time to tenure.

SACUA NOMINATING COMMITTEE

Chair Giordani announced that Professors Lehman, Zorn, Meerkov, Lydia Liu, Seabury, and Younker were elected to the 2006 SACUA nominating committee. Members remarked that the elected committee includes a surprising number of SACUA members, including continuing members. Mr. Schneider explained that their eligibility traces to the fact that several are in the

third year of their Assembly service. SACUA members recommended that in future years, eligible candidates be polled in advance of the election to assess their agreement to serve on the nominating committee. SACUA agreed to revisit eligibility and service of continuing SACUA members on the nominating committee at a future meeting.

ANNOUNCEMENTS

The chair said that he and the vice chair met with the president last week and discussed topics similar to the ones discussed today. He said the discussions also included the role of the SACUA chair in advising the Advisory Board on Intercollegiate Athletics about meeting agendas.

EXECUTIVE SESSION

The meeting entered executive session at 5:10 P.M. to receive a progress report about the provost search.

The meeting adjourned at 5:25 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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