

Minutes of 11 December 2017
Circulated 15 January 2018
Approved 22 January 2018

THE UNIVERSITY OF MICHIGAN
SENATE ASSEMBLY MEETING
December 11, 2017
Monday, 3:15 pm
Forum Hall, Palmer Commons

Present: Aidala, Atzmon, Azizi, Beatty, Burzo, Campbell, Costa, Djuric, Eaton, Finlayson, Fenno, Friesen, Hartley, Herbert, Indjekian, Jones (Retiree), Kaartinen, Kannatey-Asibu, Larson, Lenk, Lippert, Likosky, Mao, Marsh (by Virtue), McInnis, Meek, Menon, Myers, Ortega, Pecina, Princen, Rao, Sandhu, Schmidt, Schultz (by virtue), Schwank, Szymanski (by virtue), Tonomura, Vance

Alternate Requested: Blackburn (Social Work), Carlos (Medicine), Duffy (LSA), Erickson (Pharmacy), Gallo (LSA), Ghaferi (Medicine), Manera (Engineering), Malek (Medicine), Traynor (Medicine)

Alternate Present: Zhu (Pharmacy), Puthenveedu (Medicine), Hurst (Music)

Absent: Alam, Bagley, Bruch, Cattaneo, Chatterjee, Checkoway, Chen, Fraser, Gaggio, Greve, Jacobsen, Kahle, Knoblauch, Li, Mortenson, Noll, Roddier, Sanchez, Shah, Shtein, Skolarus, Toyama, Turnley, Vinkur (Retiree), Welsh, Wright (by virtue)

3:20 Call to Order/Approval of Agenda and Minutes

The agenda was approved, and the minutes for the November 20 minutes were approved

3:20 Guests: President Schlissel and Provost Philbert

President Schlissel said that he was interested in taking questions after his introductory remarks. He observed that it had been a challenging semester for the University with the challenges largely being connected with social issues occurring at a difficult national political moment in the United States. Before dealing with those issues he wished to draw attention to how well the University and its faculty and alumni are doing. He called attention to the following:

1. Professor Jesmyn Ward will deliver the Winter commencement address, a professor at Tulane and MacArthur Award winner and an alumna (<https://record.umich.edu/articles/author-jesmyn-ward-deliver-winter-commencement-address>)
2. Professors Kathleen Collins, and Roger Cone, were elected to the National Academy of Medicine of the National Academies (<http://www.uofmhealth.org/news/archive/201610/two-u-michigan-faculty-elected-prestigious-national-academy>)
3. Professors Stephen Forrest, Judith Irvine, Susan Murphy and Melanie Sanford were elected to the National Academy of Sciences (<http://www.ns.umich.edu/new/releases/23811-u-m-professors-elected-to-national-academy-of-sciences%29>)
4. Professors Ellen Arruda and Mark Daskin were named to the National Academy of Engineering (<http://ns.umich.edu/new/releases/24571-two-u-m-faculty-elected-to-national-academy-of-engineering>)
5. Professors Monica Dus, Wei Ho, Kerri Pratt, Corinna Schindler, Randy Stockbridge, Ambuj

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- Tewari, and Qiong Yang were named as Sloan Research Fellows for 2017 (<http://record.umich.edu/articles/seven-u-m-scientists-selected-sloan-fellowships>)
6. The University received 21 Fulbright awards (9 for faculty, 12 for students (<https://record.umich.edu/articles/u-m-tops-public-universities-student-fulbright-recipients>))
 7. Professor Thompson won a Pulitzer Prize (<https://record.umich.edu/articles/u-m-professors-book-attica-uprising-wins-pulitzer-prize>)
 8. Professors Daugherty and Gramley won Grammy awards (http://www.mlive.com/news/ann-arbor/index.ssf/2017/02/pair_of_university_of_michigan.html), and three alumni have been nominated for 2018 (http://www.mlive.com/news/ann-arbor/index.ssf/2017/12/university_of_michigan_alums_e.html)
 9. Professors León and Peterson were named as MacArthur Fellows (<https://record.umich.edu/articles/two-u-m-faculty-members-awarded-prestigious-macarthur-fellowships>)
 10. The total volume of research at the University of Michigan reached \$1.48 billion in the fiscal year that ended June 30, and increase of 6.4%; federal research expenditures rose by 5 percent to \$831.8 million (<http://record.umich.edu/articles/u-m-annual-research-expenditures-reach-new-high-fy-17?destination=node/3204>).
 11. Private sources provided \$142.8 million in research support.
 12. The university's health system is ranked 6th in the United States (<https://record.umich.edu/articles/michigan-medicine-hospitals-ranked-no-6-nation-us-news-world-report>)
 13. The Freshman class of roughly 6600, selected from a pool of nearly 60,000 applicants (the highest ever), had an average GPA of 3.85 (5% had a 4.0 average), comes from 50 states and 67 foreign nations (<https://admissions.umich.edu/apply/freshmen-applicants/student-profile>). Applicant numbers as of December are higher than last year. President Schlissel expressed particular pride in the Go Blue Guarantee (<https://goblueguarantee.umich.edu/>) and the opportunities it offers across the state of Michigan.
 14. Students doing well on job offers 96% of LSA grads have jobs within 6 months of graduation or are continuing education (<https://careercenter.umich.edu/article/first-destination-profile>).
 15. Learfield Directors' Cup, Michigan is ranked 2nd in Division 1; last year Michigan was 6th (<http://www.nacda.com/sports/directorscup/spec-rel/121417aab.html>).
 16. Great academic initiative on poverty solutions (<https://president.umich.edu/initiatives-and-focus-areas/poverty-solutions/>).
 17. A faculty engagement initiative has been launched to help faculty show the public the value of the talent that the University has attracted and its value to the state's population.
 18. There are significant new buildings coming on line including the Biological Sciences Building, which will be completed in the summer (<http://umaec.umich.edu/projects/major-projects/biological-science-building/project-data/>); the College of Engineering will have a new robotics building <http://ns.umich.edu/new/multimedia/videos/24775-new-u-m-robotics-building-named-in-honor-of-ford-motor-company-gift>; the Dental School will get an expansion of research and clinical space; there are plans for new teaching spaces.
 19. The Victors Fund has passed 4 billion with a year to go, chance to reach 5 billion; endowment is approaching \$11 billion, income from endowment funds is roughly the same as state allocations to the university, and the endowment had a 13.8% increase in the past year (<http://record.umich.edu/articles/u-m-endowment-rebounds-109b-138-percent-return>).

President Schlissel stressed that members of the University community need to recall the importance of the University's mission, which continues in increasingly excellent and impactful ways.

Professor Marsh said faculty are concerned about impending changes to the tax code. He asked President Schlissel about the administration's response to these proposals.

President Schlissel said the United States House of Representatives and Senate have passed versions of a tax reform bill which contain, in one version or the other, extremely challenging things for all of Higher Education. Especially concerning is the proposal to tax tuition waivers for the majority of doctoral students, meaning that students will pay tax on the cash value of the tuition, which could place quite a difficult tax burden on a student. The University is lobbying against this proposal, which is in the House bill, the two bills are in reconciliation the University is lobbying to keep the tax on tuition waivers out of the bill. There is some indication that the broader Higher Education community may succeed in eliminating this provision. If this is not the case, the central administration will have to discuss with faculty how to deal with the consequences. In the short term, it may be possible to provide assistance to students, but this is not a long-term solution. Another provision will be to make employer contributions for education (e.g. for executive training programs at the Ross School) or University tuition waivers to the its employees, who can use those waivers to take courses at the University, taxable.

The thrust of the lobbying campaign is to explain that disincentivizing higher education makes the nation less competitive. President Schlissel is cautiously optimistic that the campaign will be successful.

Chair Ortega raised the issue of sexual harassment within the Higher Education community, a question on the topic had been submitted by two Senate Assembly members who were unable to attend the meeting.

President Schlissel replied that the country is currently dealing with our shortcomings as a civil society over a long period of time as some of the bad behavior is new, some was years ago, some decades in the past. The University is perpetually concerned to have an educational community for all its members that is free of harassment, bigotry, and prejudice. There is inappropriate behavior at the University (it is disingenuous to suggest otherwise), which is countered by the availability of ways to report such behavior, clear guidelines, and regularly updated policies. He pointed to the Office of Institutional Equity's (OIE) investigative process and the existence of sanctions to deal with violations. President Schlissel believes that the University's scheme is good, but that members of the University community have to work to build a culture where people who feel they are being harassed make reports, and people are confident that their issues will be investigated. He does not feel that the University is worse than other places in this regard, pointing out that there have not been episodes of the sort that have been reported elsewhere. Despite this, he feels the community needs to be continuously vigilant. He feels the recently published climate survey offered both good and bad news. On the positive side, 70% of respondents think the University is strong and inclusive. On the negative side 30% of respondents are not having fantastic experiences. Members of this group include traditionally marginalized communities whose members feel that the climate is not as supportive of them as it is of majority populations, 18% of respondents feel they were discriminated against in the past year. The data is not dramatically different from other places but offers baseline upon which the University can improve.

Chair Ortega asked about the possible visit by Richard Spencer. He wondered about the limits of free and protected speech, and the conditions set for a visitor such as Mr. Spencer could, or could nor, say.

President Schlissel replied that the limits to speech over the past 200 years have been pretty minimal. He noted that Spencer is a well-known provocateur, an anti-Semitic white supremacist who makes a living by creating provocative events who has spoken at many universities, including the University of Virginia at Charlottesville, and, recently, at the University of Florida, Gainesville. He attracts crowds Neo Nazis and counter protesters, creating volatile situations and dangerous as exemplified by the death of a woman at Charlottesville and shots fired in the air at the University of Florida.

President Schlissel pointed out, however, that the University of Michigan has a long-standing policy of renting rooms to speakers, it has beautiful spaces for which the public is paying, and it is reasonable for a public university to make such space available. It is something that can be requested on line. One of Spencer's people did this.

President Schlissel has not found anyone who wants Spencer here or wants to hear him. He is pressured by students and some faculty to keep Spencer out even though our lawyers and outside counsel say there is no legal way to censure speech before it is offered. People have devised various legal theories to prevent Spencer from coming, but, President Schlissel notes, Spencer has experience with making these requests, and winning law suits that arose from the initial denial of his requests. If the University administration knowingly violates the law by telling him he cannot come here and loses in court, it will turn him into even more of a hero to his supporters and encourage more people to show up to his event. The University will lose flexibility in negotiating the time and space for his speech. The University's policy is to consider his request and its potential impact on public safety. The University will look for place and time of year where it is safe if Spencer doesn't like it he can sue the University.

President Schlissel pointed out that there 5 protected freedoms: those of speech, religion, the press, the right of assembly and the right to petition government for a redress of grievances. He does not trust a lot of people to determine when someone is outside society's values system, and does not trust others to make this decision on the University's behalf. He asked Senate Assembly members to imagine the circumstances under which the University's behavior in denying someone the right to speak was used by someone to forbid a representative of a marginal group to speak and is leery of putting the university on the wrong side of the 1st Amendment. He further observed that the University's security people are very good and well connected with law enforcement agencies. If those responsible for public safety think Spencer can come safely, then, in President Schlissel's view, he can come. President Schlissel noted, while allowing that the easy thing would have been to say no to Spencer, that if he knowingly violated a person's constitutional rights he could be personally liable. He also believes the University would lose in court if it tried to prevent Spencer from coming and by losing such a case, it would lose control of his event. He has consulted very widely, and feels the University is taking the right approach.

A Senate Assembly member said he agreed there is not much the University can do and that universities and towns have had huge bills in conjunction with Spencer's appearances. He noted, however, that the University has a lot of students who will be very upset, and that it would be good to provide them with a full suite of activities to help them deal with the visit.

President Schlissel replied that the issue has come up with students, that student leadership groups have met with him and gained a better understanding of the constraints faced by the University. He feels that the University should provide contemporaneous events so students can be together and learn from the event while strengthening community values. He has offered to pay for a

speaker a week after Spencer's visit, but does not believe it is a good idea to have a major event requiring security at the same time as Spencer is on campus. He would like faculty to help brainstorming a range of activities far away from a venue for Spencer's event, and hopes the University can invite a speaker will be inspirational in a fashion more consistent with our shared values.

A Senate Assembly member said that President Schlissel was doing the right thing, that people like Spencer want to provoke the opposite extreme and try to drive people to choose between the two. He feels the University should not enhance the importance of Spencer, that the University should find a safe way to allow people like Spencer to come here, and that, if there is no riot, it will weaken Spencer.

Provost Philbert replied that the faculty are the front-line interface with students, that faculty will know who may be vulnerable, and that the administration will send out notifications about resources for students who may feel vulnerable. In the run up to an event, he urged faculty to steer students to resources and to be mindful that the event will have a long aftermath. He recognizes that students will be feeling stressed, and hopes faculty and/or the Graduate Student Assistants who work with them will make sure students who look to be vulnerable get support

President Schlissel believes Spencer will go away when he stops getting a reaction, but recognizes that students find this a difficult argument to internalize.

Professor Atzmon, asked if it was a matter of budget not to have a parallel event, when Spencer was speaking.

President Schlissel replied that the best professional advice of the University's security people was that they not be asked to defend two venues simultaneously and warned against increasing the number of people in the Ann Arbor area.

A Senate Assembly member asked about the relationship between the University and Ann Arbor faith community, saying that he had reached out to his rabbi on the subject.

President Schlissel said that to his knowledge the University has engaged with people on the campus and at Hillel but not more broadly in the Ann Arbor community or not to religious leaders who are not part of the university. He noted that The University of Florida's President Fuchs was savvy to this issue, being both an engineer and a leader in the faith community with the result that there was strong involvement from local faith-based community. He thinks such outreach is a very good idea.

4:03 President Schlissel and Provost Philbert left the meeting

4:04 Announcements

Chair Ortega said that SACUA is trying to roll out the High 5 Challenge for faculty to identify students who need to discuss issues connected with the current environment. He challenged members of the faculty to engage at least 5 students who they think need time to sit down and talk about the climate on campus, making students aware that faculty are interested in having these conversations. He asked for thoughts about the program from the Assembly, and said he will discuss it with the president. He wishes to know if faculty are comfortable in having these conversations especially as it is possible that faculty members will be hearing things are very troubling. He offered OIE cards to Senate Assembly members as these cards list resources for students encountering sexual misconduct.

With respect to the Spencer, visit Chair Ortega said he hasn't had a chance to discuss what happens during the time a speaker like Spencer is on campus with President Schlissel, or to discuss what would happen if the speaker advocates physical violence.

Senate Assembly member Myers said she teaches in small studio setting and many of faculty who teach in such settings have already been in the front lines, she knows that there are excellent resources but she has been asked to take on roles beyond her experience or expertise. She is frustrated because students need this assistance, she knows that small group discussion show empathy, but is not equipped to navigate discussions of personal issues.

Chair Ortega said he sees students at protests and finds that students hear things being said with which they don't agree, and that when they are in a large group they cannot express themselves. He hopes that faculty members will step up and prepare for fallout before, during, and after an event.

Professor Lippert said that, from the perspective of the Flint and Dearborn campuses, the climate study is an important issue, and expressed the view that campuses shouldn't differ on bias training and building an inclusive community.

Chair Ortega said he will discuss this with President Schlissel and urged Senate Assembly members to pass on other concerns they would like discussed with the President.

Chair Ortega drew attention to the Faculty Governance web site saying that SACUA wants to keep people up to date with developments in faculty governance

Chair Ortega asked for feedback about the format of the last meeting. He also announced that SACUA has invited the Regents to meet with the committee for a working breakfast, and to come to Senate Assembly for a town hall style meeting in the spring. SACUA would like the Regents to indicate topics of interest to themselves with reference to the faculty, and would like to learn what faculty want the Regents to know about their own interests.

4:12 Tri Campus Task Force Update Vice Chair, Lippert

Professor Lippert said the Tri Campus Task Force is meeting regularly to get a handle on the relationship between the three campuses. She said that the task Force is currently focusing a resolution concerning guaranteed representation from UM-Flint and UM-Dearborn on SACUA and on how the task force should function in the future, the term is a year, possibly as a permanent committee.

4:15 Davis, Markert, Nickerson Lecture

Chair Ortega invited Senate Assembly members to leave nominees for the Davis, Markert, Nickerson lecture, reminding members that in 1954 the University of Michigan suspended and then terminated Professors H. Chandler Davis and Mark Nickerson, a tenured faculty member, and suspended but then reinstated Professor Clement Markert for their refusal to give testimony during a visit to Michigan of a group from the U.S. House Committee on Un-American Activities. The Senate Assembly said Davis, Markert and Nickerson acted against University values (<http://facultysenate.umich.edu/davis-markert-and-nickerson/>).

A Senate Assembly member asked about the budget for the lecture, and how that would affect the choice of a speaker. Chair Ortega said that the speaker has often been a person who had faced political problems getting an audience, and so was eager to come and was unlikely to ask for a large speaker fee.

Ombuds

Chair Ortega said Professor Giordani, the current University Ombuds, has taken another position with Rackham, and SACUA is looking for people to put forward (self-nomination is allowed). SACUA will vet the nominees, looking for a person adept at understanding unit procedures and the application of those

procedures, who was a good listener and who could offer advice in situations where faculty members felt that their treatment violated University standards

4:35 adjournment

Respectfully submitted,

David S. Potter
Senate Secretary

University of Michigan Bylaws of the Board of Regents, Sec. 4.01:

The University Senate

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. Decisions of the University Senate with respect to matters within its jurisdiction shall constitute the binding action of the university faculties.

University of Michigan Bylaws of the Board of Regents, Sec. 4.04:

The Senate Assembly

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.

Rules of the University Senate, the Senate Assembly and the Senate Advisory Committee on University Affairs: In all cases not covered by rules adopted by the Senate, the procedure in Robert's Rules of Order shall be followed.
