

AAAC Meeting Minutes for January 29, 2019

Present: Michael Atzmon, Chris Lu, Seth Quidachay-Swan, Cathy Sanok, Kentaro Toyama (chair and notetaker).

Absent: Ketra Armstrong, Gaurav Desai, Michael Hess, Kimberly Kearfott, Kristin Klein, Merissa Maccani (undergraduate student representative), Enrico Landi, Maribel Okiye (Rackham student representative), Lissa Patterson, Scott Piper, Hsiao Hsin Sung Hsieh, Katie van Zanen (Rackham student representative).

The AAAC met with Provost Martin Philbert, Special Counsel Christine Gerdes, Assistant Vice Provost Jim Burkel, and Interim Director for Academic Human Resources, Alexandra Matish between 8:30-9:30am. The AAAC discussed ongoing agenda items separately for about 30 minutes in addition.

All of the discussion at this meeting focused on the draft revision to SPG 602.11, which is the university's policy regarding faculty-student relationships. The current policy was issued in 2004 and is available here: <http://spg.umich.edu/policy/601.22>. The draft of the revision was sent out to the committee by email for review.

The meeting started with an overview by Special Counsel Gerdes, with the other members of the administration chiming in. They addressed the motivation behind the draft and the process of arriving at it.

- The older policy is now 15 years old, and had not been revised significantly since 2004.
- The University of Michigan is lags behind its peers in having clear bans on, for example, faculty relationships with undergraduate students.
- The Regents have explicitly requested a revised policy.
- Process:
 - A faculty committee, assisted by the General Counsel's office, was convened to determine the main elements of the revised policy.
 - The committee examined ~40 other university policies.
 - The committee arrived at its main recommendations.
 - Special Counsel Gerdes, Asst. VP Burkel, and Director Matish met to turn the recommendations into the language of SPGs. They also consulted peer institutions who had policies in place to understand the impact of various policies.
 - The draft is now being circulated to various groups on campus for comment.
- The administration would like to have the process take effect as of Feb. 18, 2019.

The AAAC conveyed a number of comments and concerns, to which members of the administration responded:

- The main thrust of the revised policy makes sense and is worth implementing.
- The language of what constitutes a "Covered Relationship" (a relationship covered by the policy) is ambiguous.
 - Administration's response: It is difficult to define the set of problematic behaviors precisely, but the current language is meant to cover a range of relationships that could be problematic given the power dynamics inherent to faculty-student interactions.

- Given the ambiguity and the subjective nature of the issues, it seems that a lot of power is being vested in deans and the university administration to decide what are problematic relationships.
 - Response: The implementation of the policy requires that deans make any disciplinary actions in consultation with the central administration.
- The policy assumes that there are power asymmetries between faculty and students, but there are 40-year-old undergraduates, and 19-year-old teaching assistants.
 - Response: The policy assumes that any supervisory instructional relationship contains an inherent power asymmetry, and that needs to be addressed regardless of other factors. Also, there are issues of fairness with respect to students who might have special access to instructional staff. As a result, we believe the policy's emphasis on the faculty-student dynamic makes sense.
- The timeline seems unnecessarily rushed. Could there be more time for input, and could the date of the policy taking effect be pushed back to September, 2019?
 - Response: U-M is behind its peers in having similar policies, and there is an explicit request from the Board of Regents.
- Does the policy require that third parties that know of a Covered Relationship report the relationship?
 - Response: The administration encourages third parties to report situations they are aware of, but the policy does not obligate them to do so.
 - As a related issue, the university has a number of situations in which reporting by third parties is mandatory, but there are many separate policies and their interactions are potentially complex. This is something that the administration may tackle in the future.
- The term "Covered Relationships" is explicitly defined in the policy, but might be confusing for some.
 - Response: We may reconsider the phrase.

After members of the administration left, the participating committee members further discussed the revisions. Among those present, it was agreed that while something like the proposed revisions were desired, the current revisions leave too much ambiguity in what counts, effectively handing over a lot of power and discretion to deans and the central administration.

To do: The AAAC chair will draft an email stressing this last concern, circulate among AAAC members, and pass it on to Provost Philbert, Special Counsel Gerdes, Asst. VP Burkel, and Director Matish.