

AAAC Meeting Minutes for November 8, 2019

AAAC members present: Lola Eniola-Adefeso, Michael Hess, Michael Mendez (graduate student representative), Rebekah Modrak, William Schultz, Priti Shah, Kanakadurga Singer, Chitra Subramanian, Kentaro Toyama (chair), Sergio Villalobos Ruminott.

Guest: Deirdre Spencer (SACUA)

Absent: Ketra Armstrong, Elena Gallo (SACUA liaison), Enrico Landi, Chris Liu, Elissa Patterson, Hsiao Hsin Sung Hsieh,

Prior to the provost's arrival, the committee heard from SACUA member Deirdre Spencer about SACUA's deliberations with respect to the draft Sexual Misconduct Umbrella Policy. Ms. Spencer noted that SACUA highlighted the following request for the new policy:

- “The opportunity to have a fair and impartial hearing with a trained hearing officer and review panel composed of trained faculty members in the case of a faculty member hearing or trained staff members in the case of a staff member hearing.”
- The opportunity for affected faculty/staff to challenge “Interim Measures” (e.g., suspension from work, suspension of pay) prior to their implementation.
- Provision for appeal of findings, of a hearing outcome, and of sanctions.
- Clarifying the entity who undertakes certain actions, when the draft indicates that the subject is “the University.”

Provost Martin Philbert appeared for the middle hour (8:30-9:30am), together with Special Counsel Christine Gerdes, Assistant Vice Provost Jim Burkel, and Deputy General Counsel Patricia Petrowski. The main topic of the hour was the draft Sexual Misconduct Umbrella Policy, which is currently open for feedback: <https://sexualmisconduct.umich.edu/umbrella-policy/>.

Special Counsel Gerdes, along with AVP Burkel and DGC Petroski provided an overview of the draft policy. She explained that the new policy was drafted partly in response to a third-party review of the Office of Institutional Equity (OIE). That review suggested a unified policy, instead of the complex set of policies that the university currently has. The draft Umbrella Policy uses a single set of terminology and definitions. Special Counsel Gerdes noted that the draft policy largely did *not* make substantive changes to the existing policy. She also noted that while there was a unified policy, different subgroups within the university (e.g., tenured faculty, students) nevertheless underwent different processes for different things, because of existing university bylaws or policies.

Committee members asked a number of clarifying questions, and also raised a number of suggestions and requests for amendments to the draft policy. These included all of the points raised by Ms. Spencer (above). In addition...

- There were questions about whether it was right that *any* employee of the university could be suspended without pay, without some basic due process.
- There was a recommendation to allow for oversight of OIE by faculty, staff, and students. Faculty governance has noted challenges with OIE for several years – these challenges appear to be more about the specific implementation of policy, not strictly with the policies themselves.

Provost Philbert was emphatic that the draft policy preserved all rights/policies/processes for tenured faculty as they currently are. In particular, Regents Bylaw 5.09/5.10, which have to do with the removal of tenure remains as is, at least with respect to the draft Umbrella Policy. (A faculty committee is separately discussing potential changes to those bylaws, but not with respect to the Umbrella Policy.)

After the Provost left, the committee further discussed input to the draft Umbrella Policy. Prof. Toyama agreed to circulate an email summary of the top recommendations from the AAAC for comment, and then to send the email to the Provost.

Postscript: The email was sent on Nov. 18, and included the following requests for the Umbrella Policy:

- We believe that there should be oversight of the Office of Institutional Equity by a committee formed of representatives of the groups that it directly affects -- students, staff, and faculty.
- We would like to see impartial hearings conducted by trained hearing officers and with review panels populated by the accused employee's peers (e.g., staff or faculty).
- We believe that employees should have a formal opportunities for appeal -- of the facts, of the hearing outcome, and of sanctions.
- We do not believe that any university employee (including staff and non-tenured faculty) should experience suspension of pay or other punitive Interim Measures before a determination of guilt has been made through a procedure that accords the accused employee due process.
- We would like to have more clarity about who is being referred to whenever the draft mentions "the University" as an agent that makes decisions and imposes actions.