

Minutes of 13 January 2020  
Circulated 12 February 2020  
Approved 17 February 2020

THE UNIVERSITY OF MICHIGAN  
SENATE ASSEMBLY MEETING  
Monday, 13 January, 3:00  
Hussey Room, Michigan League

**Present:** Ahbel-Rappe (by virtue), Ali, Bawardi, Beatty (by virtue), Castilho, W.Chen, Y.Chen, Costa, DiFeo, Fabilli, Fenno, Finlayson, Gallo (by virtue), Herbert, Huang, Jones, Junghans, Kahn, Kattari, Kosnoski, Lagisetty, Laurence, Lepri, Liang, Liu, Manera (by virtue), Mao, Marsh (by Virtue), McInnis, Meek , Meyer, Morgan, Nelson, Papaleontiou, Sales, Sandhu, Shah, Singer, Snyder, Spencer (by virtue), Toyama, Traynor, Trumpey, Turnley, Van Berkel, Wang

**Alternate Requested:** Byon (Engineering), Dal Cin (LSA), Gnedin (LSA), Myers (SMTD), Rao (Medicine), Shtein (Engineering), Soloway (Engineering), Subramanian(Medicine)

**Alternate Present:** Helton (SMTD)

**Absent:** Conway (Absent with notification), Dinvo (Absent with notification), Jenkins, Kahle, Kannatey-Asibu, Knoblauch, Malek (by virtue), Mendlow, Partridge, Passey, Suwanabol, Tonomura, Wright, Zhu

3:05: Approval of the Agenda and Minutes

The Agenda was approved. The minutes for October 10, 2019 and December 16, 2019 were approved. Chair Beatty drew attention to the ByLaw 5.09 working group, looking at the regulations governing the removal of tenure, the town hall meetings that the group will hold in January and the faculty senate town hall on February 3, 2020.

3:11: Faculty Governance presentation

Dr. Banasik presented an outline of faculty governance, laying out the relationship between the Senate Assembly and the Faculty Senate, the structure of the Faculty Senate Office, the responsibilities of the Senate Assembly, of the Senate Advisory Committee on University Affairs (SACUA), and of the committees that report to Senate Assembly. She offered to deliver the presentation in the home units of Senate Assembly members at their request.

A Senate Assembly member asked about the absence of Clinical Faculty, Lecturers and Adjunct Faculty from the Faculty Senate. Dr. Banasik replied that the issue of Clinical Faculty has been addressed twice in the last ten years, and on both occasions, it was decided that Clinical Faculty should not be included in the Faculty Senate, but that Research Faculty are included. Professor Potter added that Lecturers were not part of the Senate because they are represented by the Lecturers Employee Organization.

3:26 Academic Affairs Advisory Committee (AAAC) Update

Professor Toyama said the AAAC is advisory to the provost, meeting with the provost, with occasional additional meetings. The membership consists of twelve faculty from the Ann Arbor campus. And the committee's charge is available at: <https://facultysenate.umich.edu/senate-assembly/committees/academic-affairs-advisory-committee-aaac/>. The committee hopes to have a discussion with the Provost about the

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Diversity, Equity and Inclusion (DEI) hiring; is curious about repercussions stemming from 601.22 (faculty-student relationships) 601.28 (mandatory reporting of felonies). He said the committee has discussed the Sexual Misconduct Umbrella Policy and the search for a new director for the Office of Institutional Equity and that its input was consistent with the recommendations of the Senate Assembly. He drew attention to the faculty working group on the revision of Bylaws 5.09/10 which will present proposed changes to the upcoming town halls. He said that the administration has been “cagey” about releasing a report about the first phase of the discussions, which have been concerned with pay suspension in cases of “manifestly egregious misconduct” by a faculty member involved in a dismissal proceeding under Bylaw 5.09. He said the regents are particularly concerned about the use of public funds to pay a faculty member who has committed offenses that unrelated to their professional activities. The committee did not believe there should be an expedited process for dismissal in such cases, but did create a 60-day path to removal of salary from faculty who are charged with “manifestly egregious misconduct.” The process will be run by a committee of 5, three appointed by SACUA, two are appointed by the administration. Two members of the committee had dissented on the grounds that the policy goes against American Association of University Professors guidelines, and because, of the 29 peer universities surveyed, only one allows for pay suspension (MSU). He noted that opposition to pay suspension was a minority opinion on AAAC.

Professor Toyama said the AAAC will discuss the university policy on letters of reference based on the Blue-Ribbon Report, and sanctions imposed as a result of the policy. The final issue the AAC will consider University’s legal culture, drawing attention to the article on non-disclosure agreements that was published by the Michigan Daily on December 8, 2019 (<https://www.michigandaily.com/section/community-affairs/university-spent-over-126-million-confidential-agreements-employees>). He also noted that legal counsel is present at a lot of meetings on faculty issues and that AAAC is looking for information about the University being interested in protecting itself legally.

Professor Gallo asked if the effect of the salary removal policy would be to make it impossible for faculty members caught up in a 5.09 proceeding to defend themselves, Professor Toyama agreed that there is a problem with a separate process to remove pay.

A Retiree Senate Assembly member asked about the way membership on Senate Assembly committees is determined, and whether the distribution of committee seats was fair to all schools. Chair Beatty said that Senate Assembly apportionment does not necessarily translate down into the committees, which are filled by people who are willing to serve. Dr. Banasik added that the Senate Assembly approves the roster so there is an opportunity to give feedback about membership. Professor Snyder asked about the issue of extended time frames for 5.09 proceedings, and whether that was connected with the salary suspension issue. Professor Toyama said the time frame issue is being addressed, and that the issue of “egregious misconduct” had come because of the length of time it took to hold a hearing.

3:48 Greg Lawrence UM Flint

Professor Lawrence said the University of Michigan-Flint consists of two colleges and three schools, within which there are 37 departments/programs. There are 104 undergraduate degree program, 9 of which are on-line and 37 graduate degree programs. The faculty includes 212 tenure-track members; 370 LEO/clinical track; there are 7266 students, of whom 5862 are undergraduates, and 1435 are graduate students; amongst the undergraduate, 577 are new transfer students, and 604 are First Time in Any College (FITIAC) students. The Freshman class has a High School Grade Point Average (GPA) GPA 3.46 with 49% having achieved a GPA of 3.5-4.0. 27 % of the Entering class consisted of transfer students from Mott Community College, and 53% of undergraduates are from Genesee county. Genesee and the five contiguous counties provide 75% of the total enrolment ([https://www.umflint.edu/analysis/qf\\_student\\_body](https://www.umflint.edu/analysis/qf_student_body)).

Professor Lawrence said there have been significant administrative changes with Debasish Dutta becoming Chancellor, and the appointment of two new associate provosts; there is currently a search underway for a new provost, with Professor Keith Morland serving as intern provost. The major issue for the

year is the University's reaccreditation. He drew attention to two major cultural events on campus in the past year, visits by cellist Yo-Yo Ma and primatologist Jane Goodall.

Professor Lawrence said that declining enrollment was a major concern, with a 15% drop from 8600 students in 2015 to the current population. He said this was only partly due to the water crisis, a more significant factor is the rapid decline in the population of Genesee and the contiguous counties, which exceeded that of other areas in the state. He noted that the decline in the School of Management, where he is appointed, political issues had joined with concerns about the water crisis to depress international enrolment. The search process for a permanent provost is underway.

A Senate Assembly member asked how many students transfer from UM-Flint to UM-Ann Arbor. Professor Lawrence said that there were not many despite programs such as the 2+2 program in Engineering (2 years at Flint then 2 at Ann Arbor). Students find that credit hours do not transfer as easily as they should with the result that transfer is not an economical choice. Professor Kosnoski added that students transferring to Ann Arbor faced serious financial issues. Librarian Kahn asked if, in light of concerns about enrolment decline, faculty at UM-Flint have a view on the Detroit Center for Innovation. Chair Beatty said the degrees from the Detroit Center are not linked by any college so they are not taking enrolment from any other places—they are graduate level certifications.

A Senate Assembly member asked about One University Campaign. Professor Kosnoski replied that there should be a more thorough presentation in the future and that there will be a meeting on the topic with the regents, and that Regents have been amenable. Bernstein, Brown and Diggss have been receptive to issues connected with the movement. These have included requests to extend the Go Blue Guarantee, and another extending Diversity, Equity and Inclusion investment.

#### 4:00 Faculty Ombuds

Professor Hannoosh introduced herself and Professor Ortega as co-faculty ombuds, adding that there are two other ombuds, one for staff and one for students. The faculty ombuds only become involved with students and staff if issues arise with faculty. The ombuds operate on the principles of impartiality, informality, confidentiality and independence (<https://facultyombuds.umich.edu>). They are meant to be impartial, to be resources rather than advocates for faculty; their neutrality helps faculty member resolves a dispute and they try to resolve issues before they get to more formal procedures, and they are not involved if formal processes are initiated. The University recognizes that they must act with complete confidentiality and people who speak to them are not giving notice of an issue to the University, but if they were required to present evidence in a court they would have to do so.

Professor Ortega, who extensive experience with grievances as chair of SACUA, said the ombuds try to make the availability of resources for problem solving transparent. They also work with “unit ombuds,” for whom they provide training. Professor Hannoosh said that by “unit ombuds” they mean school or college ombuds (the Medical School has 3, other units have 1). A faculty member can go to the unit ombuds, who will closer to the practices of his/her school, and, if there is an issue relating to standard practice in a school, a faculty member might prefer local advice. People might prefer to come to the faculty ombuds, who will obtain advice about unit practices from “unit ombuds,” because they know all the people involved in their unit. One role of the university ombuds is to provide feedback to the administration about systemic issues at annual meeting with the provost as well as their annual report for the provost. These reports contain no information about individual cases.

Professor Toyama asked for examples of issues that the faculty ombuds handle. Professor Hannoosh said most faculty they see have a concern with a supervisor such as a chair or a dean/associate dean. In such cases the ombuds generally meet with the faculty member who explains the issue. In this meeting the faculty ombuds listen and ask a visitor what they want to see happen. They might then advise the faculty member to write a letter to a person in a position to act on their issue, they will help write the letter, and/set up a meeting at which they will be present as facilitators. On other occasions they engage in “shuttle diplomacy” to help

the faculty member. The issues that come to them are of all sorts, including tenure cases that are going wrong or have gone wrong, salary issues, treatment by supervisors, and performance evaluations. Professor Ortega said they always ask how consistent the behavior at the root of the complaint is with the unit handbook, and find that faculty often do not know there is a unit handbook. Librarian Spencer asked if a unit handbook is based on the Standard Practice Guide (SPG). Professor Hannoosh said the SPG trumps other handbooks and that unit handbooks are expected to be congruent with the SPG, the ultimate regulator of faculty conduct. Given that most faculty do not know there is a SPG, the faculty ombuds would like faculty to know that they sign up to certain rules and they can be held to those. Professor Ortega added that faculty interactions with staff and students are also governed by SPGs.

Professor Singer asked if unit ombuds have the same confidentiality requirement as the faculty ombuds and are they are “responsible employees.” Professor Hannoosh replied that unit ombuds have the same confidentiality requirements as faculty ombuds, and, as ombuds they are not “responsible employees.” She added that email is not confidential so they advise faculty who email them to give contact information but not details of the complaint. Professor Ortega, said that the faculty ombuds assist faculty at all phases of their careers.

Chair Beatty reminded members of the Senate town hall on February 3

4:31 Adjournment

Respectfully submitted

David Potter  
Interim 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.

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**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 advice 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.

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**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.