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THE UNIVERSITY OF MICHIGAN
Senate Advisory Committee on University Affairs (SACUA)
Monday, April 29, 2019 3:15 pm
406 Fleming Administration Building
Ann Arbor, Michigan 48109-1340

Present: Ahbel-Rappe, Atzmon, Beatty, Conway, Gallo, Malek, Marsh (chair), Potter, Schultz, Spencer, Schneider

Absent: Carlos

Guests: Members of the Press

3:20: Call to Order/Approval of Agenda

The Agenda was approved.

The Minutes for March 11, April 1, April 8 and April 22 were approved.

Chair Marsh thanked the retiring members of SACUA for their work.

3:20: Professor Sarah Lippert

Professor Shultz delivered the following appreciation of Professor Lippert:

SACUA mourns the passing of our dear colleague Sarah Lippert after a brief illness. A fine scholar of faculty governance as well as Art History, Sarah chaired several important committees on the Flint Campus and was president of the local AAUP chapter there. She brought her strong advocacy to SACUA one year ago and immediately headed the Tri-Campus Committee for the Faculty Assembly. She was a champion of the underdog, challenging administrators and faculty alike that did not have her depth of knowledge on university governance regulations, procedures, and best practices. She was professional, ethical, passionate and tireless. She is admired and missed by many, even those with whom she had differences. She left us far too early, leaving big shoes to fill. It will take many people to carry on her important work.

Professor Malek delivered the following appreciation of Professor Lippert:

We mourn the loss of Professor Sarah Lippert, a highly valued member of SACUA. Dr. Lippert was an engaged and fierce supporter of faculty rights, believing strongly in due process and in normative behavior. Dr. Lippert envisioned a university guided by principled interactions between university stakeholders. Her overriding goals were in making the university a better place. She displayed personal courage, civility and grace in her pursuit and was an inspiration to SACUA and the faculty at large. She will be deeply missed.

Librarian Spencer said that Professor Lippert had been an inspiration to her.

Chair Marsh asked that SACUA observe a moment of silence in memory of Professor Lippert.

SACUA adopted the appreciations by Professors Schultz and Malek unanimously.

3:32: Grievance Report

Librarian Spencer introduced the report on recommended revisions and additions to the model grievance procedure, distributing three documents, one of which details recommended revisions to the existing grievance procedures, the second offering a description of model faculty grievance policies and the third presenting a review of training materials for faculty grievance monitors. She said the results of her consultation with Professors Weineck, Staller and Ortega about the process are reflected in the documents. A major concern, going forward, is to make improvements addressing the asymmetry between the faculty members and the University in the process.

There are five areas of particular concern:

1. Preparation of the Grievance
2. The composition of Grievance Hearing Boards
3. Training of Faculty Grievance Monitors
4. Potential Conflicts of Interest
5. The conduct of investigations by the Office of Institutional Equity (OIE)

With regard to the preparation of grievances, Librarian Spencer said that there was particular disagreement on two points. One is whether a delegate should be allowed to prepare the grievance filing. The other is the power of a Grievance Hearing Board (GHB) to decide if an issue could be the object of a grievance as well as to decide on the substance of the grievance. Professor Ahbel-Rappe noted that a grievant may not have the resources to prepare the complaint in a professional way, and might not be aware of the best way of seeking a remedy. Professor Gallo asked for clarification of the process of establishing the viability of a grievance. Professor Ahbel-Rappe said the first step in the process is for a GHB to review the rules governing grievances. The result is that when a faculty member files a grievance feeling that his/her rights have been violated, the GHB first decides if there are grounds for the complaint, then decides the complaint.

Librarian Spencer said a major concern with the composition of GHBs is the training of members, and, hence, whether there should be a standing grievance board consisting of faculty members who would be appointed for a three-year term and staff GHBs, which is the case at many other institutions. The advantage is that such a group could receive training and be prepared to serve, which could save some time in developing the boards. She said Professor Ortega had pointed out that having such a group could result in a predictable pattern of decision making, which he saw as a concern. Professor Schultz observed that the unpredictability of faculty panels has been used as a reason to reduce faculty influence in the process. Chair Marsh said that there has been a significant increase in the number of grievances, with three currently active. Historically, he said, they had been infrequent, averaging about one a year, but, in recent years, there have been as many as eight active grievances at one time.

With respect to training issues, Librarian Spencer noted that Academic Human Resources has no written procedures for training GHB members. Professor Schultz said he thought SACUA should oversee the training. Professor Malek said SACUA should obtain legal advice in preparing a training document. He pointed out that many grievances deal with faculty complaints against other faculty members. Professor Conway said that SACUA should oversee the training as the training provided by Academic Human Resources was minimal.

Professor Beatty asked for the committee to clarify the main recommendations that could be presented to Provost Philbert. Chair Marsh said Provost Philbert will consider and act on

recommendations to improve the grievance process, and that SACUA might conclude that there is nothing to improve, either because the system is working well, or because the system is not working well but there is no obvious solution. Professor Conway said SACUA needs data about the process, e.g. information about the number of grievances, and the number of cases whose findings are appealed. Chair Marsh said, historically, there has been a finding in favor of the grievant in 20% of cases, but added that the majority of grievances have involved the tenure process which is inherently difficult to overturn. Professor Gallo noted there are different implications in faculty versus faculty cases as opposed to those pitting faculty members against the administration. Professor Conway suggested that SACUA look into the support grievants receive.

4:10: Executive Session

[Mr. Schneider's retirement]
[OIE report]

4:52: Matters Arising

SACUA thanked Chair Marsh for his leadership.

4:55: Adjournment

Respectfully submitted,
David S. Potter
Senate Secretary

University of Michigan Bylaws of the Board of Regents, Sec. 5.02:
Governing Bodies in Schools and Colleges
Sec. 4.01 The University Senate

"...[t]he 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. Jurisdiction over academic policies shall reside in the faculties of the various schools and colleges, but insofar as actions by the several faculties affect university policy as a whole, or schools and colleges other than the one in which they originate, they shall be brought before the University Senate."

Rules of the University Senate, the Senate Assembly and the Senate Advisory Committee on University Affairs:

Senate: "In all cases not covered by rules adopted by the Senate, the procedure in Robert's Rules of Order shall be followed."

Assembly: "The Assembly may adopt rules for the transaction of its business. In appropriate cases not covered by rules of the Assembly, the rules of the University Senate shall apply."

SACUA: "The committee may adopt rules for the transaction of its business."