

# AAAC Comments on Proposed Changes to Regents' Bylaws

## 5.09/5.10

Academic Affairs Advisory Committee  
Draft: May 4, 2020

Below are comments from the Academic Affairs Advisory Committee with respect to proposed changes to Regents' Bylaws 5.09/5.10.

The committee is happy to see the following changes...

- Clearer language about whom the bylaws apply to;
- A single process, as opposed to the two processes that were available previously; and
- A concrete timeline for the main dismissal hearing.

The committee, however, is disappointed that a key point of the faculty Working Group's recommendations (against a pay suspension provision) were not incorporated, especially as the group weighed faculty comments from five town halls across three campuses and over 250 responses via an online survey. We, therefore, *strongly* recommend the following...

- The proposed pay-suspension process should be eliminated. We would like to see U-M be a leader in protecting the institution of tenure, not a leader in weakening it. Serious problems with pay suspension have been noted by the Working Group, both in their main recommendations and in the dissents.
- However, if the pay-suspension provision is to remain, then....
  - SACUA, not the President, should have hard decision-making power over at least two members of the three-person Pay Suspension committee. Otherwise, too much authority over this major decision is vested in the President.
  - The definition of "job abandonment" should be made explicit.
  - The main dismissal hearing timeline should be extended, because if a pay-suspension process exists, then much of the pressure for a quick hearing is alleviated. The current proposal is very aggressive and does not provide sufficient time for the accused faculty member to prepare their case, for the Hearing Committee to deliberate, or for the Hearing Committee to write their report.
  - The pay suspension decision itself should be revealed to SACUA and/or the public after the 5.09 process ends. Leaving the decision undisclosed during the main dismissal hearing makes sense (though likely difficult), but outcomes should be made known to representatives of the faculty, so that potential abuses of the process are brought to light.

- If the affected faculty member is not dismissed and they do not resign, they should be paid the total compensation withheld due to pay suspension with interest.
- The language with respect to “program discontinuation” should be clarified so that program discontinuation absolutely does *not* lead to the dismissal of any tenure-track faculty. (The current phrase about program discontinuation is highly confusing.) Faculty affected by program discontinuation should be placed in equivalent positions within the university. Otherwise, there is a loophole by which the administration could terminate an individual faculty member at will by discontinuing a program and immediately rehiring the other faculty in that program.