

Draft Minutes 5 April 2021

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THE UNIVERSITY OF MICHIGAN  
Senate Advisory Committee on University Affairs (SACUA)  
Monday, 5 April 2021 3:15 pm  
The meeting was held via Zoom because of the COVID-19 Shutdown

Present: Conway (chair), Atzmon, Dinov, Finlayson, Freeman, Liu, Manera, Marsh, Potter, Spencer, Singer, Toyama, Singer, Banasik, Devlin

Absent: Ahbel-Rappe, Gallo

Guests: Provost Collins, Special Counsel Gerdes, Sonya Jacobs, Senior Director for Faculty and Leadership Development at Michigan Medicine, Jane Pettit, Human Resources Leadership Development and DEI programs, Warde Manuel, Director of Athletics, Ketra Armstrong, Professor of Kinesiology, Faculty Athletic Representative, Zoe Storer, *The Michigan Daily*, Ann Zaniewski, *The University Record*

3:16: Call to Order/Approval of the Minutes/Approval of the Agenda

Chair Conway called the meeting to order. The minutes from March 29, 2021 were approved.

Chair Conway asked SACUA members to review the WilmerHale task force report in advance of the meeting on April 12<sup>th</sup>.

Chair Conway asked SACUA members who wished to be candidates for SACUA Chair and Vice Chair for the 2021/2022 academic year to declare their intentions. Professors Liu and Toyama announced their candidacy for SACUA Chair, Professor Finlayson announced her candidacy for Vice Chair.

Chair Conway asked candidates for SACUA leadership to prepare 3-4-minute discussions of their plans to deliver ahead of the election at the April 12<sup>th</sup> meeting.

3:20: Faculty Senate Office

Dr. Banasik said the Faculty Senate Office is currently looking for twelve volunteers to serve on the Standing Judicial Committee. She asked SACUA members to solicit candidates for this committee. She said SACUA will review letters of interest and make selections at the April 26<sup>th</sup> meeting. SACUA will also be submitting nominations for two seats on the Advisory Board for Intercollegiate Athletics (ABIA).

3:25: SACUA Chair Updates

Chair Conway thanked SACUA members for their work on the SACUA statement with respect to Regent Weiser, noting that the 25% response rate to SACUA invitation for faculty to indicate their approval of SACUA's statement indicated that there was a great deal of interest in SACUA's action. She noted that the overwhelming number of responses received, 1,807 of 1837 were positive, and that Vice President Churchill had passed this data to the Regents before their April 2 meeting. She said that the compensation for the Standing Judicial Committee is still to be decided, but suggested that members of the committee who serve on a hearing board will receive

the same compensation (\$1000 in research funds) as people who serve on a as a Faculty Grievance Monitor.

Chair Conway said she had meet with Professors Pasquale, Schultz, and Singer along with Dr. Banasik to review the history of the Academic Evaluation Committee (AEC) survey. She said meetings of the ad hoc committee to review the AEC will start on April 6<sup>th</sup>, and that the need for the survey is now very different from the need when the survey was created in 2005.

3:30: Provost Collins and Sonya Jacobs, Chief Organizational Learning Officer

Special Counsel Gerdes introduced Chief Organizational Learning Officer of Human Resources Jacobs who introduced Ms. Pettit (<https://ogps.med.umich.edu/event/transferable-skills-for-academic-and-professional-success-part-3-leadership/>), one of the chief architects of the case study that was shared with SACUA in advance of the meeting. Provost Collins said President Schlissel had announced this initiative at the March Regents' meeting as a feature of the University's strengthening of its approach to sexual misconduct across campus.

Ms. Jacobs said that the consultants from Guidepost Solutions had advised the development of university-wide value statements as part of the process of developing a new culture. She said a survey was previously conducted with 1000 respondents from Michigan Medicine. The respondents indicated they did not want to create a culture of compliance, but rather one where everyone felt psychologically, socially and physically safe, and could learn, practice, research and educate.

Ms. Pettit said that the authors of the case study feel it is important to engage the entire community, assimilate and bring the ideas together, and continue a dialogue though leadership days, staff conferences, focus groups, town halls and a survey. The process began in 2016 with an examination of the concept of culture, inviting participants to describe the current culture and then the desired culture. The process took several years, at the end of which time a value statement had evolved in which four values (a fifth was later added) was aligned with the Michigan Expectations model which was begun earlier at Michigan Medicine (<https://hr.umich.edu/working-u-m/professional-development/learning-development-models/michigan-expectations-model>).

Ms. Jacobs said that the program would ensure that people were recognized and rewarded for demonstrating community values. She said that community values should inform the University's hiring process, and noted that culture change does not happen overnight. It requires significant work from the entire community across all three campuses.

Chair Conway asked how values are translated into actions. Ms. Jacobs replied that values are context specific, that leaders should get people to identify what a value would look like in their context. Chair Conway asked if the intent was to implement this process for faculty at the dean and director level, and how the demonstration of values could be evaluated. Provost Collins said that, given how many things are done at a distributed level, the central administration needed to determine the best ways to demonstrate values in an individual unit.

Professor Liu asked if the process Provost Collins was envisaging was similar to the way units develop strategic plans which get reported to higher level committees. Ms. Jacobs replied that her group is aware that many schools and colleges have engaged in developing new mission statements, and that it is looking at how to align student statements to more central values.

Professor Manera noted that, despite the existence of value statements, there are some departments in which certain senior colleagues make it difficult for women to work. She asked how people could be made accountable for misbehavior. Ms. Jacobs replied that when Human Resources detects behavior running counter to the culture, people have to be able to speak up but it has also noted the existence of a culture of retaliation. Ultimately, in her view, the University will have an environment where people can speak up and correct negative behavior.

Professor Finlayson agreed that each unit has to determine what works for it, but evaluation runs from the bottom up, and information takes a long time to move up the chain. She asked how this situation could be addressed given that evaluations without accountability are empty.

Librarian Spencer said it is a matter of levelling the playing field among the ranks, that it is well known that staff and lower-level employees are most often the victims of poor treatment, and require a situation in which their statements carry the same weight as those of a more senior person.

Chair Conway noted that Michigan Medicine's timeline for developing its' program was five years and asked what the timeline would be for the rest of the University. Ms. Jacobs replied that even though the administration did not want the process to drag on, it would take several years, that her group wanted to be thoughtful, needing to think about systems and processes and then to communicate with the community.

Professor Atzmon asked if the University leadership tried to get meaningful faculty input. Provost Collins replied that the administration has valued SACUA input to search committees.

Professor Atzmon asked about the process for dean reappointment. Provost Collins replied that there is a 360-degree process to solicit input from a variety of different sources.

Chair Conway said one of the key initiatives SACUA has brought to Guidepost Solutions is the restructuring of the AEC, that the AEC survey has not been producing meaningful feedback and that data have not been adequately stored. Ms. Jacobs said she would like to have a SACUA member join her team to work with on an evaluation.

Chair Conway said that the Office for Institutional Equity (OIE) is always a significant concern for SACUA as this is the place where the failure of values is treated.

Provost Collins said there had been open call for faculty who were interested in serving on the new faculty advisory committee for OIE, and Special Counsel Gerdes provided a link to the story in the University Record on the topic through the chat function (<https://record.umich.edu/articles/new-panel-of-faculty-staff-students-will-advise-title-ix-coordinator/>).

Ms. Jacobs, asked what, if her group did the job well, success would look like to SACUA? Librarian Spencer said there are people who need reeducation in how to deal with people, and that more senior people assume an inappropriate level of entitlement. Ms. Jacobs said education is going to be a significant part of her group's process, and that her group will provide some sort of scripting.

Ms. Jacobs said she hopes to meet with SACUA in the future. Provost Collins said she looked forward to working with SACUA on this issue, and to working with all SACUA's new members.

4:00: Warde Manuel, Director of Athletics

Director of Athletics Manuel and Professor Armstrong joined the meeting. Director of Athletics Manuel said that athletics had experienced many ups and downs, as had every other group on campus. He noted that he had received a message from a person, after the tournament losses, who told him that it was a relief to follow the men and women's basketball teams as it distracted from dealing with COVID.

Director of Athletics Manuel said student athletes want to compete and play because that is normal for them, that losing the opportunity to compete takes away an aspect of their identity.

Director of Athletics Manuel said the Department of Intercollegiate Athletics is fiscally self-sufficient, receiving no student fees or general fund support (he contrasted the situation to that at the State University of New York at Buffalo and the University of Connecticut where he

had previously worked). Department revenue is primarily derived from tickets, donations, and television rights. Prior to the COVID outbreak budgeted revenue was \$200 million against \$198 million in expenses. He noted that the department pays for 500 scholarships, 350 of which are full, to support 900 student athletes; 70% of student athletes are out of state so annual cost is \$27-28 million. As a result of the COVID outbreak, the department experienced an \$80 million short fall. The department is covering the shortfall by taking out a loan from the University and through \$40 million in reductions and \$6 million in donations. He noted an increase in expenses for COVID testing and cleaning facilities and a reduction in revenue sharing from the Big Ten.

Director of Athletics Manuel said he is very concerned about gambling because of the impact on young people and the potential impact on games when information (e.g. will Livers be back for the tournament) is put out unknowingly, and noted that student managers are often put under pressure for privileged information. He noted that gamblers are always looking for an edge. He drew attention to an article in the *Detroit Free Press* (<https://www.freep.com/story/money/business/columnists/carol-cain/2021/04/03/michigan-online-sports-betting/4847437001/>) stating that in the first month online gambling was available, Michigan had the highest dollar amount spent. He said this is reflected in the commercial programming on television.

Director of Athletics Manuel said that the NCAA's commentary on the difference between the men's and women's basketball tournaments was woefully inadequate. He said that after his initial statement he had reached out to coach Barnes Arico and other coaches in the women's game to discuss ways in which the NCAA can improve its handling of the tournaments. There is an opportunity for both tournaments to be placed on the same footing, which he believes is overdue, and noted the pressure on the NCAA because of the video revealing the inadequate training facilities for women

(<https://www.nytimes.com/2021/03/19/sports/ncaabasketball/women-ncaa-tournament-weight-room.html>). He recalled that when he was athletic director at the University of Connecticut, he had served on the Women's Basketball Oversight Committee and brought forward conversations objecting to the NCAA's refusal to use the moniker "March Madness" for the women's tournament. He is pleased that the spotlight is put on the issues, noting that a difference in revenue did not justify differential treatment. He noted that men and women's coaches had discussed differing game formats (e.g. women play four quarters as opposed to two halves).

Director of Athletics Manuel introduced Faculty Athletic Representative (FAR) Professor Armstrong as an outstanding representative of the faculty who provides support to student athletes when they need additional help, caring deeply for them as people and as athletes. He noted that she had played and coached women's basketball.

Professor Armstrong agreed that the disparities between the two tournaments are despicable, and appreciated the attention paid to the issue. She wanted faculty to know that Manuel is providing a holistic and safe experience for student athletes, and is proud to represent the university because of the way the Department of Intercollegiate Athletics delivers a fiscally responsible, safe, product. She noted that the University's student athletes are academically as well as athletically successful.

Librarian Spencer asked if Kenneth Miles, Director of the Academic Success Program, who died suddenly in August, will be replaced.

Director of Athletics Manuel said he was shocked and saddened by Miles' death. He said that Steve Connelly, who has been with the University for twenty-five years is serving as Interim Director of the Academic Success Program. He will not make any decision until the end of the academic year, and will consult with Executive Senior Associate Athletic Director Elizabeth Heinrich. He noted that, for the first time in his career, no student athlete is ineligible to participate.

Professor Armstrong said the Academic Success team has done an outstanding job, and has learned things that will be retained after the pandemic. She said that Mr. Connelly was able to help the department make a smooth transition.

Chair Conway asked Professor Armstrong about concerns she might have when looking at the academic progress of student athletes. Professor Armstrong said she worries when she looks at course enrollment patterns, and grade changes. She said she will reach out to faculty to make sure that everything is above board when she sees a grade change, but has never found an instance where there was questionable conduct. She is concerned if she sees an inordinate number of student athletes in certain classes, but noted that they select the classes, and she has no qualms about classes they are taking. She wants students to enroll in a diversity of classes, but noted that some classes are convenient to take and are popular. She is mindful of the optics so as not to allow the impression that a class is a “student athlete” class.

Director of Athletics Manuel said he is a proponent of Name, Image, Likeness (NIL) compensation for student athletes. As a former student athlete, he never believed an institution controls NIL rights, that it is important to maintain the University’s brand while still allowing students the opportunity to use their name to pursue brand deals and other sources of income. He noted that when Coach Harbaugh was making television commercials, he did so without mentioning the University. One thing that concerns Director of Athletics Manuel is that boosters will pay or guarantee someone revenue to go to the University of Michigan.

Professor Dinov noted that many faculty members have participated in sports, and agreed with Director of Athletics Manuel that every student owns their NIL, but noted that there is a big difference between being a professional and being a student and that going to college should not be professionalized. Director of Athletics Manuel supports student NIL rights, but does not believe in paying people to be athletes and employees of the university. He drew attention to the television commercial that states that 98% of student athletes will go pro in something other than sports. He believes the University provides students the opportunity to get a great education and to participate in sports. These are separate things. The University should not pay young people to come to the University to play sports.

4:30: Executive Session  
Guidepost Solutions

5:10: 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.”