

Draft Minutes 17 May 2021

Circulated 21 May 2021

Approved 24 May 2021

THE UNIVERSITY OF MICHIGAN  
Senate Advisory Committee on University Affairs (SACUA)  
Monday, 17 May 3:15 pm  
The meeting was held via Zoom because of the COVID-19 Shutdown

Present: Liu (Chair), Ahbel-Rappe, Atzmon, Conway, Finlayson, Freeman, Gallo, Partridge, Potter, Singer, Toyama, Banasik, Devlin

Absent:

Guests: Professor Modrak, Professor Pal, Vanita Seed, *The Michigan Daily*; Ann Zaniewski, *The University Record*

3:18: Call to order 5/3/21 Minutes/Announcements

Chair Liu called the meeting to order. The minutes from May 3, 2021 were approved.

3:20: Faculty Senate Office Updates

Dr. Banasik said there are ten nominations for the Regents Award for Distinguished Public Service, which SACUA will review at the May 24, 2021 meeting. The materials will be distributed to SACUA on May 18.

3:25: SACUA Chair Updates

Chair Liu said he received the topics discussed at the Academic Programs Group (APG) on May 5, and they had been Precision Health (<https://precisionhealth.umich.edu/>) the International Center, the Supervisor -Employee Relationship Policy, and the Fall 2021/22 add/drop date. Chair Liu reported that he attended the Administrator Evaluation Committee (AEC) meeting at which questions for the 2020/2021 academic year survey were discussed. The survey will launch on May 24 with a stronger message from President Schlissel urging faculty to fill out the evaluations.

Chair Liu reported that he attended the Advisory Board for Intercollegiate Athletics meeting. Topics in that meeting included COVID testing (one athlete tested positive in the previous 22 days; the Director of Athletics is looking at having all athletes and staff vaccinated), the impossibility of checking the vaccination status of people attending football games (the documentation is too easy to falsify), and the beginning of recruiting, which will begin in the next two weeks.

Chair Liu said SACUA will need a procedure for voting on Regents Award given that there are candidates who are nominated by SACUA members and sitting member of SACUA. He will ask SACUA to rate the candidates on a scale of 1-5 (with 5 being the low score) and avoid conflict of interest issues. Professor Finlayson asked if the decision will be solely based on the rating. Chair Liu replied that there will be discussion of the candidates as there may be close ratings. Professor Conway asked if people can stay in the pool for three years. Chair Liu said that was so.

3:30 Committee for Fairness, Equity and Inclusion (CFEI) Resolution

Professor Pal introduced the Resolution from CFEI for mitigating the effect of the pandemic on Michigan faculty (see appendix). Chair Liu said his committee recommendations had been shared with SACUA, and noted that a part of the committee charge was to arrive at actionable recommendations in response to the pandemic.

Professor Pal said the committee was looking at how to help the most severely impacted groups of faculty in terms of promotion or tenure. He noted that faculty in the Medical School had not been allowed into their offices since the beginning of lock down, and that there was an apparent inconcinnity between the University administration's statements of concern and actual policy actions. He feels there needs to be uniform policy across all units, and that such a policy is urgently needed at the present time. He asked about the message that is sent the community when the tenured leadership does not take necessary steps to assist the untenured.

Professor Ahbel-Rappe asked what SACUA could do to empower the committee's recommendations, and protect people whose efforts towards promotion can fail through no fault of their own by convincing the administration that these concerns are legitimate. Chair Liu suggested that SACUA might write directly to the provost.

Professor Pal said the administration's response that it is necessary to rely on good conscience of colleagues does not always translate into good policy; people have been impaired for eighteen months. Furthermore, the impact of the pandemic disproportionately affected faculty members who are women, people of color and primary caregivers. Female faculty and faculty of color have historically had fewer opportunities for leadership, and challenges associated with COVID-19 may have augmented this pattern. In addition, faculty members who are also primary caregivers may have had less time to devote to their research, and, in general it is unfair to expect faculty to return immediately their pre-pandemic level of productivity.

Professor Finlayson wants SACUA to be clear where things are happening and where they are not; noting that some units and campuses are proactive, but there should be consistency across all campuses and all units. At UM-Dearborn, she noted, the provost issued statements allowing for extensions which were uniformly granted. UM-Dearborn's equity task force put together templates to guide faculty in describing the impact of COVID on their careers. Still, the response "you can take an extra year" needs to be supplemented with greater flexibility throughout the process.

Professor Pal noted that the National Institutes of Health (NIH) are giving an advantage to early career investigators. Professor Finlayson said the journal review process is running behind, which will have an impact on faculty whose promotions depend on the timely acceptance of their work for publication. Professor Atzmon said it is important to remind people who take advantage of accommodations that this will not be used against them. He noted that when family leave was introduced, senior faculty told women it would be held against them if they took it. Professor Freeman said there was more specific direction being given to reviewers for tenure cases in the School of Education, and a new policy was in place so a large number of refusals would not have a negative impact on a case. He noted that decisions by deans could have a significant influence on the promotion process in different units.

3:46: Executive Session

3:55: Fall Planning Petition

Professor Modrak joined the meeting. Chair Liu asked if she had specific information from colleagues who had been required, contrary to their requests, to teach in person. He also asked for specifics about rooms where there are ventilation issues.

Professor Modrak said her involvement with the petition stemmed from conversations with lecturers in the STAMPS School of Art and Design. Lecturers said they were not being given much choice about the way they would deliver instruction in the fall, which was especially a concern for those with school-age children. Once the petition went out she heard from faculty reporting concerns that their children may not be eligible to be vaccinated before in-person learning begins in the fall at the University, others have medical conditions that put them at higher risk for becoming seriously ill or are primary caregivers, others are concerned that if K-12 classes go online due to high infection rates in their children's school districts, it would be difficult to supervise their children's education and teach on campus. She said she had been hearing similar concerns from members of the Graduate Employees Organization (GEO).

Chair Liu asked what buildings have poor ventilation. Professor Modrak replied that in the STAMPS School there are building with ventilation to handle fumes, but no information about how the ventilation system works with the virus. This is especially a concern for instructors working in small classrooms. Chair Liu asked about the use of air purifiers or HEPA filters — which the Centers for Disease Control and Prevention (CDC) suggests for improving ventilation and diluting potential exposure (<https://www.cdc.gov/coronavirus/2019-ncov/community/ventilation.html>) to help prevent COVID-19 transmission during in-person classes.

Professor Freeman asked how widely the petition has been circulated to faculty and others. Professor Modrak said she did not know. Professor Freeman asked if SACUA could circulate the petition without endorsing it because it has access to an email list. Professor Modrak said she thought the Senate Assembly had already endorsed a mandate for vaccination. Professor Gallo said she is in favor of a mandate, but is not convinced that a mandate would necessarily achieve the desired aim of maximizing the number of vaccinated students. She drew attention to an article in the *New York Times* which pointed out that incentives yield a better result than mandates (<https://www.nytimes.com/2021/05/07/business/companies-employees-vaccine-requirements.html>). She noted that even the more hardcore approach taken by Michigan public schools allows for a waiver—there are things that are constitutionally protected (e.g. religious objections).

Professor Modrak replied that the University's effort to incentivize testing in Fall Term 2020 didn't work well, and that there is a history of requiring vaccinations in public schools. She said Michigan Medicine requires flu vaccine for its employees. Professor Singer said that isn't true, it is possible to opt out. Professor Finlayson added that she would prefer a mandate and that the administration had expressed the same preference, but the University has to deal with the state legislature where [H.B. 4400](#), would prevent public universities from receiving any state funding if they try to require proof of vaccination for enrollment or in-person instruction. Professor Modrak replied that the state legislature cannot decide if the University has a mandate, because public universities in Michigan are constitutionally autonomous. Professor Finlayson said that any loss of revenue could be devastating across all three campuses and that the faculty needed to think strategically about how best to achieve the best solution.

4:00: Executive Session

Fall Planning Petition

Electronic Rules Amendment

SACUA agreed to recommend the replacement of:

Senate meetings will not be recorded, but meetings will be livestreamed. SACUA may request statements presenting multiple perspectives on an issue and make them available to members of the University Senate within twenty-four hours after the end of the meeting.

with:

Senate meetings will be live-streamed, and SACUA will solicit recordings and written comments on the motions to be voted on. All comments submitted within twenty-four hours of the end of the meeting will be posted and made available to all who are eligible to vote.

The change will need to be approved by Senate Assembly at its September meeting.

Change was passed unanimously  
WilmerHale Report-Anderson  
Standing Judicial Committee  
ABIA Nominations

4:55: Matters Arising

Professor Finlayson said that CESWF is not in a position to deal with the qualitative data from its survey. It is looking for a graduate student to look at the qualitative data.

5:05 Adjourn

Appendix 1: CFEI Petition

**Recommendations on mitigating the effect of ongoing pandemic on the UM faculty across all three campuses.**

The committee on fairness, equity, and inclusion discussed the impact of the ongoing pandemic on faculty across all three campuses. As we all know, the faculty have been trying their best to meet the teaching and research expectations of the University and to serve in the best possible interest of the students and trainees. Therefore, the committee believes that it is a fair expectation for the faculty to be supported by their individual units and the UM through this pandemic. The disparities that are known to affect the women faculty and the faculty of color are accentuated under the current scenario, and it is imperative that proactive steps are taken towards ensuring retention of the faculty belonging to the underrepresented groups, including women and the faculty of color. Furthermore, there are data to show that the women and early-career faculty are among the worst impacted demographics. The year-long lockdown and restrictions have significantly lowered the productivity and the work that could have been accomplished otherwise. This unique challenge has put the faculty who are going up for promotions/tenure in the current cycle and in the next cycle at a significant disadvantage, and there is an urgent need to level the playing field by supporting these faculty.

Based on our discussion aimed at limiting, and if possible, mitigating the negative impact on faculty, we have the following recommendations:

1. The university administration immediately releases a statement to recognize the multifaceted impact that pandemic has had (and is ongoing) on the faculty for all three campuses.
2. In addition to the proposed implementation of the extension of tenure clock as applicable, introduce flexibility in the timeline for material submission for the current and next P&T cycle.

3. Sensitize the evaluation committees – unit, school, university level – to the fact that the current P&T applicants have lost a complete year to the lockdown and restricted work environment. Importantly, to enforce work from home, the faculty were not allowed to use their offices during this period, which has had a significant impact on their productivity in the last one year. The evaluation committees should consider this as a factor while reviewing the applications.
4. SACUA to play a proactive role by working with the administration for the implementation of these recommendations and provide updates to the faculty how their interests are represented with the administration in the pandemic.
5. The applicants for P&T be encouraged to include a personalized COVID impact statement – talks briefly about the impact of pandemic based on lived experiences and how it impacted teaching and research productivity – to the school level committees and the provost office. To maintain privacy and to preclude any possibility (or even appearance of) retaliation, we discourage the disclosure of such statements at the unit level.

#### Appendix 2 Vaccination Petition

##### Petition to Mandate Community Vaccinations and to Allow Opt-Out from In-Person Instruction at the University of Michigan May 5, 2021

We, the undersigned faculty at the University of Michigan, are concerned about the safety of the University and Ann Arbor community from COVID infection in Fall 2021. All of us are eager to return to the classroom provided it is safe. The University of Michigan currently lags behind the 336 (as of May 12, 2021) peer institutions requiring that all students be vaccinated, which includes 168 public institutions requiring students to be vaccinated. Moreover, we are concerned that students who refuse to be vaccinated may be overrepresented among our incoming class precisely because we do not mandate vaccination, while students and parents who are concerned about COVID safety would prefer to attend a school with more safety precautions. We request that all community members who attend campus be required to be vaccinated, unless medically exempt. The current plan -- to mandate vaccination only for students residing in University housing -- is nonsensical, as students in private housing or students who commute are, as we have known since fall 2020, are just as likely to spread the virus.

For the purposes of this petition, we define “instructor” as anyone who teaches or who supports instructional goals. This includes professors, lecturers, GSIs, and others employed by the university to deliver instruction, but also anyone supporting student learning outside of classrooms such as, for example, staff who provide academic advising.

We petition U-M leadership to:

1/ require all undergraduate and graduate students who take in-person classes in the 2021-22 academic year, as well as all employees, to show proof of vaccination. The requirement will go into effect on the first day of Fall courses 2021 or when the FDA gives full approval to at least one vaccine, whichever happens later.

The science around Covid-19 and vaccines is clear and compelling. Vaccines are good for public health, not only lowering rates of infection on our campuses, but also in the communities they call home. Research has demonstrated that universities that stayed open significantly contributed to community spread beyond campus, abdicating their duty to their towns and the people who live there. Vaccines will also allow on-campus students and faculty to resume more fully the in-person interactions that are critical to academic success. We call for this mandate to go in effect now to give students, their families and our employees ample time to make plans to be vaccinated prior to the start of the fall term.

Any person who is not vaccinated endangers the community, especially those who are prevented from getting vaccinated for medical reasons. Therefore, exemptions should be restricted to those required by law. The approach used by the State of Michigan for K-12 should be used as a guide: The state requires childhood immunization for those who attend public schools, and parents who claim a non-medical exemption are required to meet with a health educator.

2/ enact a policy that, without a vaccine mandate, allows any U-M instructor to opt out of in-person teaching and other forms of in-person engagement with students for the 2021-22 academic year, and to do so free of consequences; and that, with a vaccine mandate, allows those with household medical exemptions or unvaccinated children to opt out, free of consequences. (To be clear, opting out of in-person instruction does not mean opting out of instructional responsibilities altogether – just that other alternatives, such as online instruction, should be allowed.)

Even with a vaccine mandate in place, some instructors may still face pandemic-related issues that require them to teach virtually. For example: emergency vaccinations are not expected to be approved for children younger than 12 until early 2022; many children not yet vaccinated may require at-home childcare; and fluctuation in infections and quarantine at K-12 schools may present childcare challenges.

We understand that many departments and schools are putting these decisions in the instructors' hands, but this is not the case for all instructors. For example, instructors at one of the schools have discovered that their courses (which they had indicated would be taught "hybrid" or "virtual") have been changed to "in-person" without faculty knowledge or consent. Instructors at another school were told to teach in person or take a medical leave.

We, the undersigned, call for applying these policies to all instructors.

3/ Provide full financial support for each school to test and repair ventilation systems in their respective classrooms to ensure safe/sufficient ventilation for instruction All of us, the undersigned, stand in solidarity with our instructional colleagues and call for applying these policies to all instructors.

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 polices 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."