

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

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

Absent: Conway

Guests: Professor Thompson; Ann Zaniewski, *The University Record*, Nadir Nazar Al-Saidi, *Michigan Daily*

3:16: Call to order 6/21/21 Minutes/Announcements

Chair Liu called the meeting to order. The minutes for June 21, 2021 were approved.

3:20 Faculty Senate Office Updates

Dr. Banasik said that the appointees to the Library Council have been confirmed and shared with Dean Hilton, and that 13 of 17 Senate Assembly committee chairs have been confirmed. Chair Liu said that he is following up with the remaining committee chair nominees.

3:25: SACUA Chair Updates

Chair Liu said he has reached out to continuing Senate Assembly members, and is setting up small group meetings to hear their thoughts on how to improve communication between the Senate Assembly and the units they represent. He is also looking to create a faculty governance newsletter, and will seek permission from deans and directors to use their unit's "all faculty" email list to distribute that newsletter. He will be sending a survey with several questions to Senate Assembly to get ideas from the membership about topics they will like to discuss and then poll the membership to prioritize topics for discussion.

Chair Liu noted that the Administrator Evaluation Committee (AEC) will be in transition next year, and that he has confirmed Information Technology support for AEC with President Schlissel and Vice President Pendse. Vice President Pendse has assigned Bob Jones (<https://its.umich.edu/about/leadership/robert-jones>) to help with the AEC survey.

Chair Liu said that he and Dr. Banasik will meet on Friday, July 23 with Academic Human Resources Director Sascha Matish to discuss the remote-work agreement for faculty that is being crafted by Academic Human Resources. There is a separate remote-work agreement for staff.

Professor Finlayson asked if the remote-work agreement was only related to issues arising from the pandemic or if it would relate to other issues? Professor Gallo asked if the agreement was for all three campuses. Professor Freeman asked what would trigger the agreement? Professor Finlayson noted that 20% of instruction at UM-Dearborn is online and that some colleagues are fully remote as a result. She added that there are no remote-work standards for faculty who are abroad. Professor Gallo said that prior to the pandemic there was a rule in the

College of Literature, Science and the Arts (LSA) that faculty who are actively teaching have to obtain their department chair's permission to spend more than two weeks off campus. She noted that there may be a request from faculty to adapt COVID practices to a non-COVID situation to reduce the number of days they have to be physically present on campus.

3:30: Executive Session

Faculty Grievance

4:00: SPG 601.38: Required Disclosure of Felony Charges and/or Conviction. Professor Thompson

Professor Toyama said that SPG 601.38 (<https://spg.umich.edu/policy/601.38>) has been discussed by Senate Assembly committees, and that there were complaints when SPG 601.38 was drafted that it was discriminatory. Professor Thompson (<https://sites.lsa.umich.edu/dcc-project/>) said there has been very little movement on the administration's part in response to community concern about the SPG. She said that there was no evidence that it is necessary, and that faculty and staff believe the University needs to revisit the issue because the SPG:

1. Exacerbates disparate impacts of the criminal justice system;
2. Violates due process;
3. Lacks transparency in implementation;
4. Research by University faculty shows that the SPG does not increase safety.

Professor Thompson said the risk inherent to the policy exceeds any claim that can be made that the policy increases safety. The policy has a negative impact on the University's ability to bring in anybody, and that disclosures must include incidents in foreign countries to which University faculty might travel. She believes that faculty should ask that the SPG not be implemented until its claims are vetted.

Professor Atzmon said that the university administration tries to make rules as vague and broad as possible. Chair Liu asked if there had been an earlier version of this policy? Professor Potter said there had been no precedent to the policy, but that implementation was linked to a dismissal case in the School of Music Theater and Dance under ByLaw 5.09. Professor Freeman noted that there had been a number of changes that had taken place in the context of that case, and that the SPG could be seen as an attempt to address the regents' concerns. Although the SPG was implemented in a specific context, that does not mean that its broader implication should not be explored. Professor Finlayson noted that SACUA had raised these issues of people being judged prematurely, and of racial bias when Professor Beatty was chair of SACUA (2019-2020), and communicated those issues to the administration. She noted that the SPG contained a time line caveat that if a person does not report in sufficient detail in a timely way, that can be grounds for dismissal. She added that the use of an online form raises privacy issues, and that the handling of reports needs to be explored.

Professor Thompson said that at the time the SPG was promulgated, the Carceral State Project had already been convened, and members of the group were appalled that no faculty who did research on this topic had been asked for advice. Members of the group asked for a meeting with President Schlissel, Public Safety, and the Office of the General Counsel (OGC), and did not receive satisfactory answers, that the climate was one of scrambling, and blind eyes had been turned to very serious issues. She noted that the SPG was promulgated when the situation concerning Dr. Nasser had arisen, and that members of the Carceral State Project had pointed out that this policy would not have stopped what happened at Michigan State University because Dr. Nasser had not been previously charged. She said that if the University was serious about dealing with the crisis at hand, informed faculty members are happy to look at the issues, which include

sexual assault and victims' rights, in depth and suggest evidenced-based solutions to the problems. She said the evidence suggests that the University's policy is not in accord with what are seen as best practices elsewhere, and that if the University is concerned about the views of parents, it had not addressed the issue of which parents had concerns: were they people whose concerns were addressed in the SPG or were they people who could suffer negative impacts from the SPG.

Professor Ahbel-Rappe said that the SPG was implemented as a reactive measure to the 5.09 case, but, at that same time, people were talking about getting rid of "checking the box" to destigmatize and open up higher education to returning citizens because of the injustices they had suffered. Professor Thompson said that members of the Carceral State Project would very much like to proceed in a more systematic way and connect all of the relevant issues, and that while members of the Carceral State Project favored elimination of a requirement to disclose previous contact with the legal system, there are still schools at the University requiring disclosure of a criminal record in connection with specific positions for which a person might apply. She said it would be more helpful to have a systematic approach, as is the case at other universities; that the University should either state that it believes that a safer society is an educated society and move forward with an open-door policy or not. She suggested the formation of a working group to see where the University community stands on the issue, and said she would like to see the Faculty Senate support a broader proposal saying that "once you serve time you are done."

Chair Liu said that SACUA will assemble a group to look into the issue of revising or removing the SPG, noting that the next review date for the SPG is February 2022. Professor Thompson said the members of the Carceral State Project viewed the University's proactive disclosure policy is an outlier; that no other university has anything like the University's policy, and that it should be abandoned.

4:22: Election/appointment of an Interim Secretary and Parliamentarian

Chair Liu said there will be a Faculty Senate meeting in October, at which time the Senate will need to elect a secretary and a parliamentarian, and that candidates need to be identified for those positions. He suggested sending a message to the Faculty Senate seeking volunteers or nominees for these positions. Chair Liu said that a parliamentarian should be a University faculty member since this position is elected. Professor Freeman said that on other boards, a parliamentarian can be from outside the institution because the person acts as an adviser. Professor Gallo suggested looking outside the University for a parliamentarian. Professors Potter and Freeman that that the rule governing the selection of a parliamentarian could be revised in the course of the ongoing revision of meeting rules and noted that parliamentarians are paid by the hour so the cost would not be excessive. Professor Potter said that an outsider would be seen as more neutral.

4:30: Executive Session

Rules Committee
Vaccine Mandate Ballot Follow Up

5:18: Matters Arising
There were no matters arising

5:18: 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."