

THE UNIVERSITY OF MICHIGAN  
SENATE ASSEMBLY MEETING  
Monday, 11 October, 2021 3:15  
The meeting was held by zoom

**Present:** Admon, Ahbel-Rappe (by virtue), Atzmon (by virtue), Barzilai, Bawardi, Braun, Bridwell-Rabb, Brown, Burton, Burzo, Cho, Conway (by virtue), DiFeo, Dinov, Duanmu, Finlayson (by virtue), Freeman (by virtue), Friese, Girard, Gnedin, Guikema, Hertz, Huang, Hughes, Hyde, Indjejikian, Jenkins, Junghans, Kahn, Kaur, Ketefian, Kovelman, Lepri, Lin, Liu, Madathilparambil, Maitra, Maxim, Mesa, Modrak, Okwudire, Partridge (by virtue), Pedraza, Pinto, Potter (by virtue), Price, Ramaswamy, Rickard, Singer, Soderstrom, Stout, Tanielian, Toyama (by virtue), Traynor, Van Berkel, Wang, Zebrack

**Alternate(s):** Lucas (Hughes)

**Absent:** Conjeevaram, Dolins, Evrard, Fontana, Gallo (by virtue), Garner, Guzdial, Kaigler, Kazerooni, Knoblauch, Korley, Lagisetty, Lahiri, Laurence, MacLachy, Mansfield, Morgan, Pal, Peterson, Rauterberg, Rosentraub, Subramanian, Thacher, Yi

3:15: Call to Order/ Welcome/9/20/21 minutes

Chair Liu called the meeting to order, and introduced members of the Press. He said the draft minutes for September will be approved at the November meeting. He told people to contact Ms. Devlin if they have access issues and to use raised hand function if they would like to speak. He said he would not be able to monitor the chat.

Chair Liu reviewed the agenda, and explained that the purpose of the fifth item on the agenda is to prepare questions for the visitors.

3:18: Faculty Senate Office Updates

Dr. Banasik said the Faculty Senate Office (FSO) will host the committee chair lunch with executive officers on October 18 so they can identify issues of common interest. She announced the results of the Senate elections: the incoming Senate Secretary is Librarian Spencer, who will take up office on November 1; the parliamentarian, Professor Fossum will be taking up the position at the same time.

3:20 SACUA updates

Chair Liu thanked Professor Potter for his service as Senate Secretary.

Chair Liu said that Special Advisor to the President and Executive Director, Equity, Civil Rights and Title IX (ECRT) Strickman is recruiting new staff and that he will be recruiting SACUA members to participate in the process. The next position to be filled is that of the Director for Prevention, Education, Assistance and Resources.

Chair Liu told Senate Assembly members that there were four questions that the provost and the president did not get to answer at the faculty senate meeting and their written responses would be included in the October Faculty Senate Newsletter. He drew attention to the September 21 newsletter ([https://facultysenate.umich.edu/wp-content/uploads/2021/10/SACUA\\_SA\\_newsletter-Sep21updated.pdf](https://facultysenate.umich.edu/wp-content/uploads/2021/10/SACUA_SA_newsletter-Sep21updated.pdf)). He said that when future newsletters are sent out that he will include language to ask faculty to provide feedback to their Senate Assembly representatives.

### 3:24: Faculty Senate Meeting Follow Up

Chair Liu said meeting was attended by 350 faculty in Zoom, 22 in person, and over 900 on livestream. Over 1000 faculty voted on the motions out of ~4300 eligible members and all 5 motions passed.

Chair Liu said that, in his view the experiment with the open zoom chat at the had failed, and that people had written complaining about the conduct in the chat. Samples of these complaints were:

1. I know you were likely too busy to see the chat during the meeting, but it was appalling, in my opinion. So many nasty, uncivil, and truly unkind statements occurring that failed to fall anywhere within the ground rules you posted at the beginning of the meeting. I don't agree with everything being presented by the President and Provost, but they deserve to be treated as decent human beings. I don't think it is a coincidence that none of the motions had dissenting opinions raised during the meeting. I would never have spoken up for fear of the harassment that would have ensued. The chat borders on coercion and does not allow for fair debate, and it should be removed for that reason.
2. Many faculty did not follow the chat guidelines yesterday and I find this behavior deeply troubling. There is not a function in chat that is analogous of what an in-person meeting is like. If the faculty want to hold our leadership to a high standard, we must first set the same ethical standard for ourselves. The chat when the President and the Provost were speaking were not free speech, but hate speech. If anything like this happens in our classes, the students would be asked to leave."

Professor Okwudire said he discussed forms of constructive criticism with students and regretted the fact that faculty colleagues behaved in ways that did not model good behavior for students. He agreed with the need to rethink the way to obtain responses during Faculty Senate meetings.

Professor Conway said the ad hoc rules committee considered the use of the chat function in the 2020/21 academic year as a result of the aggressive behavior at the 2020 Faculty Senate meeting, and said that now that two meetings had been impacted by aggressive behavior in the chat, there needed to be a change.

Professor Modrak asked if other messages were received. Chair Liu said there had been questions about the timing of the Secretary vote and Information Technology issues. He had addressed these in his email to the faculty. He noted that the dispatch of targeted emails to the Faculty Senate is complicated by the fact that such emails need to be requested in advance. He apologized for perceptions of inconvenience.

Professor Modrak said that a colleague complained that pre-registration for a senate meeting was an unnecessary step which hurt participation, that some faculty members had been confused by the fact participants were not visible to each other, and that the meeting had the characteristics of a webinar. She noted that President Schlissel and Provost Collins had not stayed to listen to faculty colleagues.

Chair Liu replied that preregistration is necessary because the meeting is only available to Faculty Senate members; that the webinar format is the only way to run a large meeting; and that President Schlissel and Provost Collins were only available for the time they were at the meeting.

Professor Finlayson noted that the camera issues at the meeting were also connected with the American Sign Language (ALS) interpreter who could only be seen if individual cameras were turned off.

Professor Toyama, noted that the Faculty Senate Rules (<https://facultysenate.umich.edu/wp-content/uploads/2020/01/Senate-Rules-Rev.-2011.pdf>) state that Faculty Senate meetings should be public and open to everyone. Chair Liu replied that the purpose of the live stream is to provide access to any interested party.

### 3:40: Discussion on Gender and Sexual-Based Misconduct (Umbrella Policy) Feedback

Chair Liu said that the only issues raised on the google form inviting feedback had addressed the single investigator model. He noted that there is now an appeal in sexual and gender-based misconduct cases resolved through the single investigator model, and that the language for that policy had now been finalized

(<https://sexualmisconduct.umich.edu/wp-content/uploads/2021/09/sgbm-policy.pdf>). He added that Senate Assembly could explore issues of record keeping that could identify people against whom there had been multiple accusations of misconduct.

A Senate Assembly member asked if the University policies apply to sexism, which is a form of misconduct.

Professor Conway said that, although the language of the policy has been finalized, the way the office will work is still in flux, and that there are a group of procedures that are still being developed.

Professor Friese asked if there was a plan to provide an independent evaluation of the procedures that could inform the regents and community about the success of the new policy. Chair Liu agreed that independence will be important and noted that there will be an evaluation within a year.

Professor Atzmon said that evidence came out that Professor Daniels was not the only member of the faculty of the School of Music Theater and Dance (SMTD) against whom there had been allegations of misconduct so it could be assumed that abuse was still taking place in SMTD. He also complained that ECRT Director Strickman was defending a lawsuit, which impaired trust in her. Chair Liu replied that people in Director Strickman's position are routinely sued.

Professor Finlayson said that the Senate Assembly should press forward on accountability for the new system, to ask how success is judged. She noted that the discussion of assessment in the policy is vague.

Professor Modrak, said that assessment is one of the things that the self-appointed Anderson group is looking at. She said survivors have suggestions, and noted that Motion 4 that had been passed at the Faculty Senate meeting called for the creation of a committee that will include people from the survivor group. Chair Liu said that SACUA will be involved in the process and that he will be meeting with President Schlissel to discuss the motions.

Professor Finlayson pointed out that Professor Friese included a request in the meeting chat that the Senate Assembly request a formal documented evaluation plan with proposed processes, timelines, and the roles of evaluators.

4:00: Guidepost Solutions: Asha Muldro, Courtney Bullard, Robert Roach, and Bradley Dizik

Chair Liu introduced Asha Muldro, a consultant from Guidepost Solutions to the meeting. Ms. Muldro introduced Mr. Roach and Mr. Dizik, noting that Ms. Bullard, who had been scheduled, could not attend the meeting. She said that the work of Guidepost Solutions is to address recommendations that came out of the WilmerHale report on former Provost Philbert ([https://regents.umich.edu/files/meetings/01-01/Report\\_of\\_Independent\\_Investigation\\_WilmerHale.pdf](https://regents.umich.edu/files/meetings/01-01/Report_of_Independent_Investigation_WilmerHale.pdf)). She said that the team included the former Chief Compliance Office for the University of Texas system, former analysts for the Federal Bureau of Investigation, Title IX experts and specialists in cultural change management. She said that Guidepost has been impressed in the University's commitment of resources to prevent misconduct, but added that there is still much work to do and the University of Michigan is just at the beginning of the process.

In terms of progress to date, Ms. Muldro drew attention to the umbrella policy for sexual misconduct (<https://sexualmisconduct.umich.edu/policy/>), the cultural journey committee (<https://record.umich.edu/articles/working-group-to-develop-cultural-change-process-survey-u-m-community/>), the new policy on protection from retaliation (<https://spg.umich.edu/policy/601.90>), the new ECRT hearing process, codes of conduct and professional ethics (<https://record.umich.edu/articles/policy-prohibits-most-supervisor-employee-relationships/>). She said that the prevention of abuse is a holistic process that needed to proceed from different angles. She added that Guidepost Solutions had held numerous listening sessions with executive officers, staff, and survivors, in addition to meetings with SACUA, Senate Assembly and the SACUA WilmerHale working group. She invited anyone in the community to reach out to them though [umich@guidepostsolutions.com](mailto:umich@guidepostsolutions.com)

Ms. Muldro noted that the University of Michigan is decentralized, which creates siloes with lack of coordination, hence there is a lack of accountability and fear of retaliation. She noted that the university has accepted many Guidepost recommendations, pointing out that the new ECRT office not a new and improved

Office for Institutional Equity (OIE), but something genuinely new, and added that the cultural journey work is important to change what the campus feels like.

Mr. Roach said that he had served as Vice President and Chief Global Compliance Officer at New York University (NYU), where he was also a professor of business ethics at the NYU Business School at NYU Shanghai (<https://research.shanghai.nyu.edu/centers-and-institutes/ber/people/robert-roach>), and that he had participated actively in the academic life at NYU. He noted when compliance people think that “compliance” means “obedience,” the concept does not resonate well in an academic environment. He said Guidepost Solutions is going to look at how a University of Michigan ethics and compliance program can work across all campuses (including Michigan Medicine). In his view compliance has to be about shared values and be mission positive given that the mission of the academy is to disseminate knowledge, and that core values include truthfulness, ethical behavior, individual accountability. He feels that a “shared values approach” works best because it gives life to the guiding values of the organization to create ethically sound behavior and ensure accountability.

Mr. Roach said that the Guidepost Solutions consultants hope to meet with stakeholders across the university to look at the existing compliance programs and at structural changes that will enhance individual accountability while advancing the safety and comfort for those with complaints. Another task is to explore “best practices” opportunities for shared services—universities need to be decentralized, but shared services across units will enhance efficiency in compliance and ethics while possibly saving costs. He stressed that the first step in the cultural journey is to engage in transparent conversations across the university, that the University houses microcosms and microclimates, hence to the need to discover how people across the university are experiencing the university. He noted that some existing values that may be inconsistent with the core set of shared values to which everyone can commit that Guidepost hopes to foster.

Chair Liu asked if there were questions from Senate Assembly members for the consultants from Guidepost Solutions. Professor Tanielien said it is troubling that in the context of a cultural shift to have shared services and cost savings are on the table, she noted that creation of the University’s Shared Services Center (<https://ssc.umich.edu/>) was very troubling as people were let go for cost savings. Mr. Dizik replied that Guidepost Solutions was not talking about the previous Shared Services reform, but with the establishment of different reporting channels, about a shared mechanism for triaging and escalating reports. Their concern is with compliance and ethics not business operations.

Professor Emerita Ketefian hasn’t heard about the issue of compliance within the context of the College of Literature Science and the Arts or other academic units and asked for a report on Guidepost’s accomplishments and plans for implementation. She asked how culture change would be achieved within academic units. Mr. Dizik, replied that achieving cultural change across the entire institution is the core of the challenge, especially given that the University has three campuses in addition to the medical system. It was necessary to allow for variation, while still retaining shared values—hence the process had to begin with a culture journey to drive culture change across the entire institution. He noted that some, but not all, academic units have people on the culture change committee. He said it was necessary for the committee to engage with as many people as possible in units of all types. He understood shared values to include inclusion, integrity mutual respect, but that cultural change is a huge undertaking, that progress will take time, possibly being a five-year process.

Professor Atzmon said that the Guidepost presentation sounded like “administrator speak” and that Senate Assembly had not heard much of substance, adding that no one has been held accountable for past abuses, that there had been testimony that Professor Daniels was the only offender in SMTD, so there was reason to think that no one is dealing with ongoing abuse. Mr. Dizik, replied that Professor Atzmon was entitled to think there is ongoing abuse, but that Guidepost Solutions was not employed to investigate and not employed to do a backward-looking review. Guidepost’s task is to mitigate risk in the future.

Professor Modrak asked what percentage of Guidepost’s recommendations have been acted on. Mr. Dizik replied that there will be two or three more announcements and that some recommendations were not currently ripe for implementation. But 95-98% of Guidepost’s recommendations have been accepted with frameworks for ethics and compliance, as well as hiring and promotion framework still to come.

Chair Liu asked Director Strickman to discuss ECRT. Director Strickman said that the reconfiguration of OIE as ECRT was a central recommendation of Guidepost Solutions. The purpose is to prevent situations such as those that had arisen in the past from arising again. One aspect of this change is ECRT's Prevention, Education Assistance and Resources (PEAR) unit (<https://regents.umich.edu/files/meetings/07-21/2021-07-X-4.pdf>). She said ECRT is looking to hire a director for this unit to implement training across units, as well as a person who will work with Michigan Medicine. She said that ECRT is also looking to hire equity specialists who will be a first point of contact for people who have suffered sexual misconduct or other forms of harassment and will provide guidance to complainants so they can make the best decision for themselves. The interview process for equity specialists has begun, and the first person will come on board from the Michigan Department of Civil Rights in the week of October 18. They are also looking for a deputy director for outcomes who will help at the end of the process to make sure that sanctions are imposed. ECRT is now tracking resolutions and advising unit leaders on outcomes. The unit is also searching for a Deputy Title IX Coordinator for Michigan Medicine, which has seen an uptick in cases. She said that ECRT will reach out to faculty to participate in interviews, and that ECRT has made much progress by working alongside Guidepost. She added that ECRT is also overhauling its website to make it more use-friendly (<https://sexualmisconduct.umich.edu/>).

Chair Liu asked if Senate Assembly could request a formal, documented, evaluation plan.

Director Strickman said that there had been a great deal of vetting of the umbrella policy across the campus community (<https://record.umich.edu/articles/u-m-drafts-sexual-gender-based-misconduct-policy-for-all-campuses/>), which she would be happy to discuss. Professor Lampe asked if there was a plan for continued evolution, noting that there have been more misconduct cases since the WilmerHale Report, so that people would be protected and processes would be updated. Director Strickman said this is where the Prevention, Education Assistance and Resources (PEAR) Office will be helpful, and that ECRT wants to work to address the culture in a unit when a person does not want to file a formal complaint. She added that ECRT has a pilot program for differing forms of resolution in cases where people were reluctant to participate in an investigation. She also noted that changes in federal policy were expected from the Biden administration.

Professor Friese said that the process was not transparent to the University community. He asked where information is publicly posted and how Senate Assembly can use this information to continue to put pressure on for change. He also asked about how the plan for education can be truly meaningful? Director Strickman said that ECRT is building out an education program, which people will be required to take, but that she believed the most meaningful education comes from in-person contact. Mr. Dizik added that Guidepost Solutions is currently working with the University's department of Public Relations to put together a web page for culture change that will list proposed changes and the status of their implementation, and that SACUA can play an important role in keeping the University accountable. He said he believed that the new ECRT website will make things more transparent. He believes that when solutions do not work, it is because there is no data collection; people will need to be given the ability to provide feedback. He said that the absence of an Ethics and Compliance office at the University is significant, and that the University is one of only 10 of the 64 members of the Association of American Universities (<https://www.aau.edu/who-we-are/our-members>) without such an office.

Professor Modrak asked Director Strickman, what about the requirement in for search committees in Faculty Senate Motion 4, and Guidepost, why was Mr. Conforth given a last chance agreement (<https://www.nytimes.com/2021/04/23/arts/music/university-of-michigan-bruce-conforth.html>), a decision that was taken by the LSA Dean and the American Culture Department Chair. Director Strickman replied that the return of the sanction to the unit for implementation is current policy, that ECRT does not have any role in a sanction, and that she will read Motion 4 before commenting. Mr. Dizik added that significant responsibility is identified in the public mind as lying with ECRT which does not in fact fall under ECRT's purview. Guidepost is looking at the way the University handles those issues and where responses should be escalated. In other universities, these issues are handled by the ethics and compliance office. We need to

find a better way to help ECRT. He noted that the discussion of hiring and promotion in Motion 4 raises issues of the way the university applies conflict of interest issues with search committees.

Chair Liu noted that a Senate Assembly member had asked if sexism is misconduct. Director Strickman said that it was.

Chair Liu thanked the guests.

#### 4:53: Gender and Sexual-Based Misconduct Policy - Next Steps

Professor Lampe said that trust in the University administration is very low, and that people see ECRT move as rebranding with no capacity to change the situation. Professor Conway said that there will be a further conversation about appeals—they have yet to think about appeals in all areas. Professor Emerita Ketefian said she would like a report on what Guidepost has done and what the plan is for implementation. She said Guidepost appears to understand implementation as writing the policy, while execution is actually doing something.

Chair Liu said he would ask Director Strickman to a future meeting.

Professor Toyama asked if the administration will provide a list of the things they are going to implement. Professor Finlayson said that assessment is difficult without knowledge of what is actually in process. She expressed an interest in a clearer timeline and a clearly articulated assessment. Professor Emerita Ketefian said faculty need to be interested in violations in the community at large and asked if there was a structure to provide information on ethical and academic violations. Chair Liu said the proposed ethics and compliance office would do this.

5:01: Matters Arising

5:01: Adjournment

Respectfully submitted

David Potter  
Former Senate Secretary

#### **University of Michigan Bylaws of the Board of Regents, Sec. 4.01:**

##### *The University Senate*

The 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.

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#### **University of Michigan Bylaws of the Board of Regents, Sec. 4.04:**

##### *The Senate Assembly*

The Senate Assembly shall serve as the legislative arm of the senate.

The assembly shall have power to consider and advice regarding all matters within the jurisdiction of the University Senate which affect the functioning of the university as an institution of higher learning, which concern its obligations to the state and to the community at large, and which relate to its internal organization insofar as such matters of internal organization involve general questions of educational policy.

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**Rules of the University Senate, the Senate Assembly and the Senate Advisory Committee on University Affairs:** In all cases not covered by rules adopted by the Senate, the procedure in Robert's Rules of Order shall be followed.