



Minutes of 20 September 2021

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THE UNIVERSITY OF MICHIGAN  
SENATE ASSEMBLY MEETING  
Monday, 20 September, 2021 3:15  
The meeting was held by zoom

**Present via zoom:** Admon, Ahbel-Rappe (by virtue), Atzmon (by virtue), Barzilai, Bawardi, Braun, Brown, Burton, Burzo, DiFeo, Dinov, Dolins, Duanmu, Evrard, Freeman (by virtue), Friese, Gallo (by virtue), Girard, Gnedin, Guikema, Guzdial, Hughes, Hyde, Indjejikian, Jenkins, Junghans, Kahn, Kaur, Kazerooni, Ketefian, Knoblauch, Lagisetty, Lampe, Lin, Lepri, MacLatchy, Madathilparambil, Maitra, Mansfield, Maxim, Mesa, Modrak, Okwudire, Pal, Partridge (by virtue), Peterson, Pinto, Potter (by virtue), Price, Ramaswamy, Sales, Singer (by virtue), Soderstrom, Stout, Subramanian, Tanielian, Traynor, Van Berkel, Wang, Yi,

**Present in person:** Banasik, Conway (by virtue), Devlin, Finlayson (by virtue), Kovelman, Liu (by virtue), Pedraza, Rickard, Toyama (by virtue), Zaniewski

**Absent:** Abir, Bridwell-Rabb, Cho, Conjeevaram, Fontana, Garner, Hertz, Huang, Kaigler, Lahiri, Laurence, Morgan, Rauterberg, Rosentraub, Thacher, Zebrack

3:16: Call to Order/ Welcome/4/19/21 and 5/10/21 minutes/ Senate Assembly Committee Charges

Chair Liu called the meeting to order, and said that the minutes and committee charges were part of a consent agenda. Chair Liu asked people attending in person to raise their hands, and remote attendees to use the raised hand function if they wished to speak. He asked members to test simply voting. The Minutes for April 19, 2021 and May 10, 2021 and the charges for Senate Assembly Committees were approved.

3:25: Faculty Senate Office Updates

Dr. Banasik said that five motions had been received for the October 4<sup>th</sup> Faculty Senate meeting; they will be distributed on Thursday, September 23 at which point Faculty Senate members will be able to sign up to speak in favor or against the motions.

3:30 SACUA updates

Chair Liu introduced faculty governance structure wherein the Faculty Senate consists of all professorial, research faculty, librarians, deans and executive officers and Senate Assembly consists of 74 elected members, and governs eighteen committees. He said he would like to give Senate Assembly members more responsibility for communicating with their units and to enhance communication between the Senate Assembly and its committees by bringing committee chairs to Senate Assembly meetings to provide information about work in progress and get feedback from Senate Assembly members.

In preparation for Senate Assembly meetings, he said that members will receive meeting materials on the Tuesday before the meeting and should review materials ahead of time. He reminded Senate Assembly members that they are representing their units and so should attend the meetings, that there are elected alternates for Senate Assembly in some units to substitute for members who cannot attend, and if there are not elected alternates in a unit a Senate Assembly member can provide the name of another faculty Senate member who will attend in their place to the Faculty Senate Office by noon on the day of the meeting. This

is important so that Simply Voting (<https://www.simplyvoting.com/>), which is used for Senate Assembly votes, which will take place during meetings, can be populated.

Chair Liu said he will ask guests, usually members of the University administration, who are invited to address Senate Assembly meetings to keep background information to a minimum so there will be more time for discussion. He will provide newsletters to schools and colleges on behalf of Senate Assembly members through the Faculty Senate Office, which Senate Assembly members can distribute in their units as a way of soliciting feedback on issues facing the University, noting that broad participation in these discussions enhances the influence of faculty governance.

Chair Liu reviewed the work of SACUA in 2020/21 including the creation of a task force to review the WilmerHale recommendations on sexual misconduct in connection with the dismissal of Martin Philbert as Provost (<https://facultysenate.umich.edu/wp-content/uploads/2021/06/SACUA-WilmerHale-Task-Force-Final-Report.pdf>), the committee to study the financial impact of the University Library's Open Access program (<https://facultysenate.umich.edu/wp-content/uploads/2020/07/SACUA-University-Library-and-Open-Access-Action.pdf>). He drew attention to SACUA's role in the development of the vaccine and mask mandates, and noted that UM-Dearborn student vaccination rate rose for 39% to 84% as a result of the vaccine mandate.

Chair Liu said that, on the basis of meetings with Senate Assembly members in the course of the summer and SACUA's online survey, topics of interest and for Senate Assembly in the 2021/2022 academic year will be:

1. Administrative transparency, including the process through which decisions are made, the process used to hire administrators, and the role of faculty expertise in decision making;
2. Handling misconduct on campus including the way it can be reported without fear of retaliation;
3. Changing budget needs, including changes in spending such as reduced need for resources for parking and through changes in hiring, the viability of the university's tuition-based funding model and online learning including discussion of whether open access comes into play with online learning and how technology has impacted online learning, homework, exams and academic integrity.

A Senate Assembly member asked how many responses there had been to the survey. Chair Liu said there were roughly thirty responses.

Chair Liu drew attention to the fact that the Equity, Civil Rights and Title IX Office (ECRT), announced in July (<https://record.umich.edu/articles/u-m-overhauls-its-approach-to-addressing-sexual-misconduct/>) was not simply a renamed version of the Office for Institutional Equity (OIE), but a group with enhanced size and scope (<https://news.umich.edu/u-m-overhauls-its-approach-to-addressing-sexual-misconduct/>).

### 3:40: Senate Assembly Break-out Groups

As a result of discussion in her break-out group, Professor Hughes raised the issue of differences and inequalities between units and departments in how requests for online or hybrid teaching were being handled. She also raised the issue of people being pressured into teaching in-person and suggested creating a more positive environment by trusting faculty to determine the best mode of instruction for their students and courses. Chair Liu, said he and Professor Finlayson had met with President Schlissel in the week of September 13, and discussed faculty qualifications for online learning. He said there were currently 28 cases of professors who submitted requests to Work Connections based on medical issues and that four or five cases are still pending approval. Professor Finlayson added that two pregnant women requesting to teach virtually had been denied permission to do so.

On the basis of discussion in his break-out group, Professor Admon raised the question of booster vaccines and asked if President Schlissel might support booster vaccines for medical staff and teachers. Chair Liu said that he had brought this issue up with President Schlissel, and that President Schlissel had

expressed interest in providing booster shots for students in addition to those people for whom the Center for Disease Control (CDC) had recommended booster shots ([https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated.html?s\\_cid=11350:cdc%20guidelines%20vaccinated:sem.ga:p:RG:GM:gen:PTN:FY21](https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated.html?s_cid=11350:cdc%20guidelines%20vaccinated:sem.ga:p:RG:GM:gen:PTN:FY21)).

Professor Conway said that in her group the issue of how faculty were elected to and served on unit executive committees had been discussed and that there appeared to be a great deal of inconsistency in these practices.

#### 4:15: University Senate Rules for Electronic Meetings

Chair Liu introduced the recommended change in the voting rules for the Faculty Senate, altering: 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.

To:

Senate meetings will be live-streamed, and SACUA will solicit recorded 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 motion carried: 31-2-1.

#### 4:25: Guidelines for Effective engagement at Senate Meetings

Chair Liu shared the proposed guidelines for electronic chat usage for Faculty Senate meeting and asked Senate Assembly for feedback. Professor Hughes commented that it is not very specific when referring to disrespectful comments. Chair Liu said he will share the guidelines in Google Doc for Senate Assembly to comment before adopting this and sending this to Faculty Senate this week.

#### 4:35: Sexual and Gender-Based Misconduct Update and Form for Providing Feedback

Professor Conway provided updates regarding sexual and gender-based misconduct policies on campus and the work that had been done in the 2020/2021 academic year by SACUA and Senate Assembly with Guidepost Solutions. She drew attention to the long-standing concerns that SACUA and Senate Assembly had raised concerning the procedures and practices of OIE. She said that SACUA and Senate Assembly had multiple opportunities in 2020/2021 to meet with the team from the Office of General Counsel and the Provost's office as it developed and revised the sexual and gender-based misconduct policy, sometimes referred to as the Umbrella Policy, that will be formally announced at the Regents' meeting on Thursday, September 23 (<https://sexualmisconduct.umich.edu/policy/>). Ms. Strickman, the director of the newly formed Office of ECRT has been invited to attend Senate Assembly to answer questions about the new office. Professor Conway asked Senate Assembly members review the *Record* article on the subject (<https://record.umich.edu/articles/u-m-adopts-policy-procedures-for-addressing-misconduct/>) and contact faculty in their units for reactions to and questions about the new policies to bring to the upcoming Senate Assembly meeting at which Ms. Strickman will be available to answer questions and discuss the policy in more depth. Chair Liu will set up a Google Form to collect these comments and questions in advance of that meeting, and plans to share more information through a forthcoming Senate Assembly newsletter soon.

Professor Conway said that the following had been concerns regarding the previous OIE office:

1. In 2015 SACUA established that the "Procedures of OIE lack due process, including fair and adequate notice, fair investigation process, and ability to appeal OIE findings and decisions." SACUA has been particularly insistent on need for an appeal process for faculty and staff, whose employment if governed by Title VII of the Civil Rights Act of 1964 (<https://www.eeoc.gov/statutes/title-vii-civil-rights-act->



- [1964](#)) rather than Title IX given that Title IX regulations now require an appeal process.
2. In 2015 SACUA also documented OIE's broad discretion in deviating from its' own guidelines and, given the use of a "single-investigator model," in which one investigator gathers and reviews the evidence, and that same individual makes the determination on the case, there are questions about the validity of findings.
  3. SACUA has talked regularly with Administration about the Faculty Grievance Process (<https://hr.umich.edu/working-u-m/my-employment/academic-human-resources/faculty-grievance-procedures>) which, without OIE case appeal, is the only recourse for faculty member to appeal an OIE decision. Grievances are limited to grieving an administrator action for process and not findings. There is currently no process to revisit the findings in a case.

Professor Conway provided updates on SACUA's WilmerHale Task Force and work with Guidepost Solutions. She said that SAUCA formed its own Task Force to respond to the WilmerHale Report with respect to Provost Philbert's career at the University ([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)). Members of the SACUA Task Force had multiple opportunities to meet with Guidepost Solutions, the consulting firm hired by the Regents to advise on structural changes needed to implement recommendations from the WilmerHale report. Senate Assembly met twice with the Guidepost Solutions team last year, that team also met with many Senate Assembly committees, and had regular meetings with SACUA. The re-design of the OIE office into ECRT is a direct result of the suggestions provided by faculty.

Professor Conway said she is serving on the search committee for new positions in the ECRT office that were created to address the issues of case timeliness and consistency. She added that there are faculty serving on the University Working Group of Culture Change which was created in response to faculty concerns about the campus workplace culture. SACUA and Senate Assembly will need to continue to work in the coming year with the Regents, Administration, and ECRT to ensure that structures are instituted with respect to ethics and compliance functions across reporting lines at all levels of the University.

#### 4:50 Matters Arising

Professor Dolins (UM-D) suggested that Senate Assembly review and discuss the University's investments (such as the University's investment in palm oil) at a future meeting to assess whether the University is investing in socially responsible areas and so that our investments reflect the University's "sustainability" efforts. Professor Hughes suggested that Senate Assembly read and discuss Advance's recent publication reporting on exit interviews of faculty who left employment at the University over an eight to nine-year period prior to 2019 (<https://advance.umich.edu/wp-content/uploads/2020/01/AY19-Indicator-Report-PUBLIC-VERSION-010720.pdf>). The three most common reasons given for leaving (particularly for underrepresented groups) were "climate, resources, and family." Professor Hughes suggested that Senate Assembly should consider what the University could do to reverse these trends at a future meeting and suggested that this might be a matter for the Committee on the Economic and Social Well-Being of Faculty (CESWF)(<https://facultySenate.umich.edu/committees/committee-on-the-economic-status-of-the-faculty/>).

#### 5:00: 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.