

Minutes DATE: January 24, 2022

Circulated DATE: March 15, 2022

Approved DATE: March 21, 2022

THE UNIVERSITY OF MICHIGAN
Senate Assembly
Monday January 24, 2022 3:15pm
The meeting was held via Zoom

Present: Admon, Ahbel-Rappe (by virtue), Atzmon (by virtue), Barzilai, Bawardi, Braun, Bridwell-Rabb, Brown, Burton, Burzo, Cho, Conway (by virtue), DiFeo, Dinov, Dolins, Duanmu, Evrard, Finlayson (by virtue), Freeman (by virtue), Fossum (Parliamentarian), Friese, Gallo (by virtue), Girard, Gnedin, Guzdial, Hertz, Huang, Hughes, Hyde, Jenkins, Junghans, Kahn, Kazerooni, Ketefian, Knoblauch, Kovelman, Lagisetty, Lahiri, Lampe, Lepri, Lin, Liu, Maitra, Maxim, Mesa, Okwudire, Pedraza, Peterson, Pinto, Price, Ramaswamy, Rickard, Singer (by virtue), Soderstrom, Spencer (by virtue), Stout, Tanielian, Toyama (by virtue), Traynor, Trela, Van Berkel, Wong, Zebrack

Alternate(s): Korley (Abir), Kingston (MacLatchy)

Absent: Conjeevaram, Fontana, Garner, Guikema, Indjejikian, Kaigler, Kaur, Madathilparambil, Mansfield, Modrak, Morgan, Partridge (by virtue), Pal, Rauterberg, Rosentraub, Subramanian, Wang, Yi

[SA Meeting Slides](#)

[1-22-22 SA Resolution Re SPG 601.38](#)

[Temporary SACUA Replacement Process](#)

Guests:

Press:

Ann Zaniwski *The University Record*

Sejal Patil. – *The Michigan Daily*

Sasha Matish, Associate Vice Provost and Senior Director, Academic Human Resources

Tim Wood, Senior Director, Human Resources

Ashley Lucas, Professor, School of Music, Theatre and Dance, Carceral State Project
(Senate Assembly Alternate)

Heather Thompson, Cedric J. Robinson Collegiate Professor of History and African
American Studies

3:15 – Call to Order – The meeting was called to order at 3:16 pm. Chair Allen Liu established the ground rules of the meeting. Vice Chair Finlayson monitored the chat. The raised hand function was to be used to request permission to speak. The first order of business was to approve the minutes of the November and December meetings.

A correction on page 4 line 6 to the November minutes was requested by Professor Dinesh Pal.

Corrections were made and the minutes were approved by consent agreement.

3:20 – Faculty Senate Office Updates – The Faculty Senate Office Director Dr. MaryJo Banasik reported that the posting for the part-time faculty governance coordinator position is now closed. Interviews will be taking place soon. Dr. Banasik reported that today was the first day at the Ruthven Building. She has been unpacking the Faculty Senate Office. It is a beautiful facility with lots of meeting spaces. Chair Liu looks forward to Senate Assembly meeting in person at Ruthven soon.

3:22 – SACUA Updates – 1. Chair Liu reported the approval of working groups for Motions 1 and 4. This semester these groups will be meeting regularly and will follow up with recommendations by the end of the term.

2. The clinical faculty working group report will be submitted to SACUA for discussion. SACUA will then share the report with the Rules, Practices, and Policies Committee (RPP). Hopefully the report will be brought before Senate Assembly later this term.

3. Chair Liu is participating in the finalist interviews for the Director of Prevention, Education, Assistance and Resources (PEAR). The addition of this position is part of the restructuring of the former Office of Institutional Equity (OIE) now Equity Civil Rights and Title IX (ECRT).

4. SACUA is co-sponsoring a panel event with the National Center on Institutional Diversity (NCID) about diversity and academic freedom on Feb. 22 from 4-5:30.

Professor Kentaro Toyama will be the SACUA representative.

5. The Administration Evaluation Committee (AEC) surveys were previously managed for ten years by two people, Professor Keith Riles and Adjunct Professor Don Winsor. It sits on a platform which is outdated. It will now transition to UM Information Technology Services (ITS). ITS is helping with the infrastructure. There have been frequent meetings and Chair Liu has participated in some of them. The process is going well, and the survey should be out in late March.

6. Professor Hani Bawardi asked what plans NCID had in mind for Academic Freedom, and if this was a new event. Professor John Traynor, who serves on the DMN Committee, asked how this event would affect the DMN lecture.

Chair Liu responded to them both saying that SACUA had not yet met to discuss the event and will work with NCID to formalize the details, and that this is a panel for faculty. He assured them that he would share the description in due course.

3:25 – Parliamentarian Update – Professor Paul Fossum from the School of Education, Health and Human Services at UM Dearborn, expressed his honor and pleasure to serve the Senate in the capacity of parliamentarian, saying the position is a long vacant one. His presentation consisted of two parts: information and conceptual grounding.

1. Information- He recommended that members familiarize themselves with the Senate rules. Although not scintillating reading, the rules have been updated with well-articulated guidelines to include electronic voting procedures.

He provided a URL to the senate rules into the chat that are reproduced in the link below:

<https://faculty senate.umich.edu/wp-content/uploads/2021/12/Senate-Rules-Rev.-2021.September.pdf>

- He also stated that the position of parliamentarian is not that of an officer or a voting member of the Senate. Only the Chair, Vice Chair and Secretary are officers, though the secretary does not vote. He believes this is intentional and allows for an arm's length observance of proceedings.
2. Conceptual Grounding regarding parliamentary procedure guides the



understanding and purpose of our work.

- The key concept underlying parliamentary procedure is to promote and preserve earnest discernment among our deliberative body.
- He said the need for a parliamentarian was demonstrated recently by the uncertainty surrounding tabulation of the no-confidence vote in former President Schlissel.
- The votes counted were from those in attendance. Those eligible to vote should be present for discussion.
- An abstention is not a vote but a member's right to not vote. Abstention formalizes the principled decision not to vote.
- The meeting should adhere to the business on the formal agenda, planned in advance; drafted and approved by SACUA which is an executive committee for the assembly.
- During our last meeting a matter arose, and we parted from the pre-planned agenda and conducted a vote. Although we diverted from the agenda in that instance, we will stick to it better in future.
- Professor Fossum concluded by saying we promote and preserve earnest discernment, and that votes are sanctioned by a super majority of our membership.

Professor Fossum welcomed the assembly to contact him with their questions: pfossum@umich.edu

Chair Liu said the presentation was helpful and that Professor Fossum might present this annually to the new members.

3:30 – Required Disclosure of Felony Charges and /or Felony Convictions SPG

601.38 - Resolution/Discussion. Chair Liu welcomed guests Professor Heather Thompson and Professor Ashley Lucas who was also in attendance as an alternate for Senate Assembly today. Sasha Matish, Associate Vice Provost and Senior Director, Academic Human Resources and Tim Wood, Senior Director Human Resources were here to observe.

Professors Lucas and Thompson presented for five minutes to frame the discussion. Professor Lucas works closely with people directly affected by the policy and has first-hand experience helping them to navigate the university system regarding the policy. She said the process is humiliating, unnecessarily lengthy, and well-qualified candidates are thwarted.

One background search took over 3 months and required a dean's involvement. This example was for employment with the Carceral State Project, but it also affects the hiring of staff throughout the university such as for custodial, housing, food service, etc. This problematic policy was put into place by Former President Schlissel.

The policy only scrutinized those who had a charge already against them but wouldn't have caught a high-level perpetrator. Six people disclosed a charge. One had to take a leave with pay, and they were innocent. Overwhelmingly those affected are people of color.

Professor Thompson said that UM has relied for decades on the labor of people with criminal records. This includes manual labor as well as intellectual expertise for research projects. The formerly incarcerated have gone on to Law School or to pursue careers. They have done what was asked of them. UM puts them through a extensive, time-

consuming ordeal and is out of step with peer institutions which generally 'ban the box'. Former President Schlissel implemented this over researchers' objections. This population is vulnerable and less likely to call law enforcement when they are in need or victimized.

Professor Thompson continued, stating that SACUA had an opportunity to set this right and be in step with peer institutions. This egregious policy did nothing to keep people on our campus safe. Regarding the safety of women on our campus, during the last decade none of the culprits would have been apprehended because they were powerful. The Carceral State Project talked with the Department of Public Security and Safety (DPSS) about how to make campus safer. Professors Thompson and Lucas want SACUA to support the resolution to rescind the policy.

Chair Liu opened the floor for discussion:

An anonymous professor agreed with rescinding the policy, but when situations go wrong, they can receive considerable publicity. He relayed a personal example of a student threatening him. He was concerned when he discovered the student had a criminal record and had served jail time. He asked how might one reconcile the threat to him personally but not stand in the way of the student's successful return?

Professor Thompson responded that the professor's experience is what most people are concerned about. She also asked if we could 'risk predict' and concluded that we could not. She asked the professor if prior knowledge of the student's criminal record would have been helpful? His response was that had he known, he may have treated the student more gently in discussing his homework assignments.

Professor Thompson stated that most people who offend on campus are first time offenders, and policies such as this create a false sense of security. A professor, unfamiliar with the policy, asked what our peer institutions did regarding these matters and was informed that Columbia, NYU, Princeton, and other peers are 'banning the box'. Our policies are dispersed but we do background checks and criminal record checks.

Professor Lucas said we should let them into UM. Conflicts of Interest should be handled. Some of the formerly incarcerated cannot pass the background checks for work in prisons or neighborhoods. We at UM should support them and let them in. Professor Thompson stated that what is being disclosed are charges. Charges that were not adjudicated, nor have those arrested been found guilty. They may not be violent offenders and a charge can be many things. Individuals must report when there is not a conviction, and they were not harmful to another person.

Professor Rogerio Pinto noted that checking a box is an illusion of safety. Respectfully we should not compare ourselves to other institutions. We have several types of justice: procedural, commutative, restorative, and punitive justice. We have an obligation to promote social justice.

Professor Dinesh Pal stated that he works with controlled substances in accordance with 213R. Within the past 5 years they ask employees about controlled substance use because it is a federal law. Professor Lucas stated that they not to violate federal or state law. The students must also meet the requirements.

Professor John Traynor chairs the controlled substances committee. He said the

information doesn't go anywhere. It is simply collected. Professor Ella Kazrooni said that doctors must pass background checks to practice medicine.

Faculty Senate Office will find out later if people on the ballot are willing to run for Election.

4:01 The motion passed to rescind **SPG 638.1**:

Whereas, the University adopted the language of [Standard Practice Guide 601.38](#) in the wake of highly negative publicity about an individual faculty member,

Whereas, the University already has a policy of criminal background checks of its prospective employees,

Whereas, SPG 601.38 requires the reporting of a charge, whether proven or not,

Whereas, BIPOC individuals in the United States are statistically disproportionately charged for a crime and involved in the criminal carceral system than non-BIPOC individuals, which renders this policy inherently discriminatory, a fact borne out by the ethnographic breakdown of those who have reported under SPG 601.38,

Whereas, the very existence of SPG 601.38 acts as a deterrent for formerly incarcerated people to apply to work at UM,

Whereas, numerous formerly incarcerated individuals work at the University and hugely benefit the University, and numerous University employees have friends and family impacted by the carceral system,

Whereas, formerly incarcerated and disproportionately policed current and prospective university employees have testified that this new SPG is unwelcoming, harmful, and threatening to those who already feel a sense of precarity in their employment at the university,

Whereas, SPG 601.38 serves little practical purpose, as charges and convictions of violent crimes are a matter of public record and reliably reported by the press, as was true with the cases that most likely led to SPG 601.38,

Be it resolved, that SPG 601.38 be rescinded.

Results:

51 Yes, 5 No, 3 Abstentions

4:00 SACUA Nomination Committee Ballot –

Proposed Process to Fill Temporary SACUA Vacancy - The motion passed to approve the process to fill SACUA Vacancy:

Temporary SACUA Vacancy Replacement Process



Background: SACUA member Damani Partridge is currently on leave until the end of Fall semester 2022. The [University Senate Rules](#) indicate that *a temporary or permanent vacancy shall be filled by any method approved by the Assembly*. The Rules for the composition of SACUA state the following: *No more than three members of SACUA shall be from the College of Literature, Science and the Arts, two from the College of Engineering, two from the School of Medicine, and one from any other school or college*. Given the current make-up of SACUA (see [SACUA Representatives here](#)), this means that **the vacancy cannot be replaced by faculty from U-M Dearborn, Education, Engineering, or Information (including the Library)**. SACUA proposes the following process for Senate Assembly's approval. There will be an election for three new SACUA members for three-year terms in March. Please note that the school or college represented by the person who fills the vacancy could impact the eligibility of candidates in the March election.

1. The Faculty Senate Office will receive nominations (including self-nominations) of current Senate Assembly members by email at facultysenateoffice@umich.edu by Thursday, January 27 at 11:59 pm.
2. The Faculty Senate Office will confirm each nominee's eligibility per eligibility requirements in the University Senate Rules. The Faculty Senate Office will contact nominees to confirm their interest in running. Nominees will be asked to provide a video (< 3 minutes) and/or written statement indicating their interest to serve on SACUA by Monday January 31 at 9 am.
3. The Faculty Senate Office will distribute a ballot via Simply Voting by 10 am on Monday, January 31. Senate Assembly Representatives will have the opportunity to vote for 1 candidate with a deadline of 5 pm on Wednesday February 2.
4. The highest vote getter will be announced on February 3 by the Senate Secretary.

Results:

44 Yes, 1 No, 1 Abstention

4:10 – Committee on Oversight of Administrative Action (COAA)

Professor Tom Braun Chair Update, COAA - Sasha Matish, Associate Vice Provost and Senior Director, Academic Human Resources, Faculty Ombuds Professor Robert Ortega and Faculty Ombuds Professor Michele Hannoosh were invited speakers as were Professor Keith Riles, representatives from Guideposts Solutions, and Tami Strickman, Vice president for ECRT when it was still OIE. Vice Chair Finlayson is the SACUA representative. Considering former President Schlissel's termination, the committee is considering their charge as a five-year plan rather than year to year. They are charged with looking at the grievance procedures of the Ann Arbor campus in light of the ECRT system. We don't know if grievance procedures exist at the Flint and Dearborn campuses; the provost at Dearborn was removed despite positive reviews by the faculty and without consultation by faculty or explanation of the removal.

The committee would like to know how the provost assesses deans and how deans assess their chairs. They want the Administrative Evaluation Survey qualitative data to be preserved rather than discarded as it is now. The written comments go only to the person being evaluated. The committee would like that data preserved as well and be more widely reviewed. Professor Braun worked with AEC who developed the survey. He is also on the Faculty COVID council and AAAC.

Professor Atzmon asked about the number of summaries that are tracked over time and asked about conclusions and recommendations.

Professor Luke Hyde commented that this is a world class faculty here at Michigan, and that the administration did not avail themselves of expertise here. Rather they relied on random bureaucrats, who may not have any expertise in the area, and outside consulting firms for guidance and advice.

4:25 COVID Impacts on Winter Term Discussions

There were various brief stories reported out from the breakout rooms into the main room. Among them was Professor Rachel Goldman who said that the College of Engineering has Zoom computers which allow for synchronous teaching. It reduced density and allowed for sick students to stay home yet still participate. N-95 masks help to reduce the spread in the class room.

4:55 Matters Arising – Provost Collins and Regent Acker for next meeting.

5:00 Adjourn – The meeting was adjourned at 5:01

Respectfully Submitted,

Deirdre D. Spencer
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."



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