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THE UNIVERSITY OF MICHIGAN  
General Counsel's Advisory Committee  
Friday, April 07, 2022, 9:00am  
Ruthven, Room 2180

Present: Janet Biermann, Lorraine Buis, Steven Chinn, Colleen Conway, Tim Lynch (GC), Adam Matzger, Luke McCarthy (Faculty Senate Office), Rebekah Modrak (SACUA liaison), Rogério Pinto (Chair), Pamela Smock, Lori Tschirhart.

A regular meeting of the General Counsel's Advisory Committee was held with Chair Pinto presiding and Luke McCarthy acting as secretary.

The meeting began at 9am and the February 03, 2023 minutes that were distributed to members in advance were approved.

The meeting began with discussing meeting formats, since most of the meeting had been virtual this year. The members were in general consensus that having more opportunity for in-person interaction would be helpful next year.

The committee then discussed the prospect of a new statement on academic freedom. A general background was provided, including by discussing the following:

- The "Chicago Statement"
- SPG 601.01, "Freedom of Speech and Artistic Expression"
- A preciously developed warning for hecklers at U-M events

The committee then discussed the actual or perceived isolation that a faculty member can experience if involved in a conflict with the university administration in which the university's legal team becomes involved. To help address those concerns, members suggested working with an ombuds and also considering how restorative justice approaches might be better utilized throughout the university.

The committee then discussed issues involving student objections to course content. The members discussed the need to better educate learners about what to expect in the classroom. The committee also discussed more training for teachers to prepare for navigating in-class instances of student concerns regarding course content, but it was admitted that asking faculty to undergo more training could be difficult. Nonetheless, members discussed a sense that the educational climate has changed, with students being more willing to challenge faculty and less willing to receive constructive criticism. At the same time, faculty do not feel sufficiently supported by administrators and have a sense that student objections may be too readily acquiesced to. The result was that members stated that, as a kind of defensive mechanism, they may sometimes feel less inclined to take on teaching responsibilities or teach particular content. Together, these issues are not so much a legal problem as a culture problem that can sometimes manifest as a legal problem.

After discussing the course content objection concerns, the committee discussed possible ways to change the dynamics. It was suggested (1) that there be more faculty solidarity such that faculty being investigated are not quickly isolated, (2) that student expectations regarding course content be better set, (3) that students be provided a clear statement regarding what constitutes as

objectionable course content, (4) that U-M is currently accepting too many students who are not sufficiently prepared for the academic rigor expected of them, and (5) that more resources and support be provided for faculty to help them address these issues, including possible training options.

The meeting concluded by returning to the discussion of creating a new statement on academic freedom. The committee was in general agreement that such a statement be incorporated into the Regents' bylaws. A member then offered the idea that there might be a white paper written in conjunction with this effort to draft this new statement. Such a paper could gather the feedback of educators "on the ground" teaching at U-M and provide recommendations. If such a white paper were to be written, it was suggested that it be the work of a broad group of faculty from across the university.

The committee adjourned shortly after at 10:00.

Luke McCarthy