

March 14, 2024

Call meeting to order

- Plan to adjourn 5 min early

Attendees (green = present):

- Naomi Binnie - University Library
- Adam Burak– Engineering (Chair)
- Arlo Clark-Foos - CASL (Dearborn)
- Mimi Dalaly – Public Health
- Luca Giobbio – LSA-Political Science (undergraduate)
- Shanna Kattari - Social Work
- Jacob Lederman - Dept Behavioral Sciences (Flint)
- Keelly Michael Jones-Law School (Graduate Student)
- Rebekah Modrak (SACUA Liaison)
- Massy Mutumba - Nursing
- Wayne C. Petty - Music, Theatre & Dance
- Eric Vandenberghe - Faculty Senate Office
- Kristen Verhey – Medical School
- Oleg Zamulin- LSA
- Luke Mccarthy- Faculty Senate Office

Agenda:

1. Approve previous meeting minutes
 - Approved
2. Grievance
3. Bylaws
 - Unit definition
 - Prevent Robert's Rules from propagating into bylaws template
4. Organize an in-person meeting (lunch provided) to foster committee cohesion (Topics)
 - Can we do this for our last meeting?
5. Next month finalize recommendations

Topics:

Grievance

- Concerned new office may not be effective
 - May be subsumed into current administration
- Maybe it should above university level, like a Big 10 group
 - Are there any examples we can point to?
 - Answering to the Regents may be as independent as possible inside the university

- An oversight board, at the conference level?
- Report to SACUA?
- Department of Education has a way to indicate problems within the university
 - Mostly just for students
- EEOC
 - Equal employment opportunity commission
 - Employment issue that involves federal law, they will review if it falls within their purview (breaks federal law), usually end with the issuance of a “right to sue”
- It would be interesting to have more data from grievances
 - Grievance occurred
 - What College/School
 - When (filed, resolved)
 - Demographics
 - Aggregating?
 - Certain types of info can be defined as “protected”
 - Only available to Faculty Senate or something
 - Allow Grievant to append a statement?
 - Need some way to retain institutional knowledge
- The Ombuds may be supposed to be the retainer of institutional knowledge
 - They may see their role as advising you of you options, rather than helping you to go through the process
 - They are a neutral party, not an advocate
 - There isn't really a faculty advocate

Bylaws

- What defines a “unit”?
 - Has regular faculty meetings.
 - Is a voting body.
 - SACUA does not have a good answer.
 - What I found online:
 - “UNIT refers to any organization across the University such as a school, college, department, or central office. The Health System as well as the Flint and Dearborn campuses are considered University units.”
- [<https://spg.umich.edu/sites/default/files/601x27.pdf>; Information Security Policy SPG 601.27]

- “A school, office, division, college, or department that has the authority to sponsor student organizations.”
[<https://campusinvolvement.umich.edu/content/university-unit>; Center for Campus Involvement]
- “**Unit** means a division of the University to which academic appointments can be made and to which resources can be allocated, including departments and similar units, centers, institutes, schools, and colleges.”
[<https://cam.illinois.edu/policies/asa-21/>; University of Urbana-Champaign]
- UM GPT: “A "unit" at a university is a division or section within the institution that serves a specific academic, research, or administrative function, such as a department, school, college, research institute, or administrative office...Each of these units typically has its own leadership structure, faculty, and administrative staff to manage its specific responsibilities and contribute to the overall mission of the university.”
- I think that UM GPT provides the best answer, which I will revise to: “A "unit" is an organization within the University that serves a specific academic, research, or administrative function, and has its own leadership structure, faculty, and administrative staff to manage its specific responsibilities and contribute to the overall mission of the university.”

- Add voting?

- Academic unit?

- Probably

- How do we warn SACUA that developing a template that follows Robert’s Rules may propagate unwanted biases?

- Develop a statement?

- It should be recognized that bylaws generated from Robert’s Rules of Order may have issues with equitability.

- Encourage consensus building (MIT) as an example

- Should we include anything else?

- How do we define bylaws?

- The [Regents bylaws website](#) says:

- The bylaws lay out a broad overview of the university’s governance, structure and organization. Additional information about the university’s hierarchy of legal and policy requirements, authority and delegations, as well as

institutional-wide policies and procedures can be located on the [U-M Standard Practice Guide website](#).

- How do we define guidelines/policies/standard practices?
 - The [Standard Practice Guide website](#) says:
 - Policies: “University policies (SPGs) set expectations for individual and organizational behavior for employees and departments, and apply to the entire institution.”
 - Authority and delegations: “All employees act on behalf of the university in different capacities; but certain decisions and commitments require proper delegation of authority to be official and binding.”
 - Relationship between SPGs and other campus or local policy: “University-wide policies (SPGs) apply to the whole institution, but every campus, school, college and department has unique needs and operations. Individual units may develop policies and procedures to suit their circumstances, provided they remain consistent with SPG requirements.”
- How do we differentiate the two?
 - Bylaws: a broad overview of the entity’s governance, structure and organization.
 - Policies: expectations for individual and organizational behavior.
- What level of public should they be publicly available to?
- It is important that changes be recorded.
- Examples
 - [Eric’s example](#)
 - Thank you Eric!
 - <https://faculty.medicine.umich.edu/sites/default/files/downloads/MedicalSchoolBylawsApproved12-17-23.pdf>
 - https://drive.google.com/file/d/1i1kuzUMG4NPQ46M2C_1TIIBavhAqMCpn/view
 - https://nursing.umich.edu/sites/default/files/content/page/info/doc/umsnfacultybylawsmay2019_1.pdf

- <https://regents.umich.edu/files/meetings/01-01/bylawsrevisedJuly2023.pdf>
- <https://en.wikipedia.org/wiki/By-law>
- <https://www.kidlink.org/docs/RobertRules/chap20.html>
- <https://publicdisputes.mit.edu/whats-wrong-roberts-rules>
 - Thank you Shanna!
- <https://www.pon.harvard.edu/shop/breaking-roberts-rulesthe-new-way-to-run-your-meeting-build-consensus-and-get-results/>
 - Thank you Shanna!

Grievance Recommendations (V1):

1. Members of the University community have criticized the Grievance process as lacking substance for a number of reasons. Chief among these is the **lack of action at the conclusion of Grievance proceedings**. Currently, steps taken at the conclusion of a Grievance hearing are up to the discretion of the College/School. This drains the substance from the process as no remedies are required from any party, regardless of the outcome. If no action is required at the conclusion of a Grievance then there is no reason to engage the process in the first place. Additionally, Grievants were confused as to the results of the proceedings, and if/when they might be informed.

At the conclusion of a Grievance actions must be taken to remedy the situation. In addition, procedures need to be put in place to assess whether the remedies were satisfactorily performed, and consequences need to be established if they were not satisfactorily performed. Finally, this all needs to adhere to an established timeline, and all parties need to be informed at each step.

- a. "Required Actions" at the end of a successful grievance are necessary if the grievance process is to be considered a sincere remedy.
 - b. "Assessment Procedures" should be put in place to determine whether the Required Actions have been satisfactorily performed.
 - c. An "Enforcement Mechanism" is needed in the case that the Required Actions have not been satisfactorily performed.
 - d. A timeline should be developed which defines when each of these steps occur. This should also define what information is furnished to each party, and by what means, at each step in the timeline.
 - e. The aforementioned Required Actions, Assessment Procedures, Enforcement Mechanism, and timeline should be defined in an SPG, providing a uniform policy across the University for what occurs at the conclusion of a Grievance.
2. Another concern with the Grievance process is that resources may not be provided equally to all parties. College/School leadership can access the Office of General Counsel (OGC) at no cost to themselves, whereas the Grievant needs to pay out of pocket to retain the same level of representation. This automatically places the Grievant in a weakened position. Policies regarding Grievance processes vary widely between Colleges/Schools and can be confusing for a Grievant pursuing the process for the first time. In contrast, College/School leadership may have gone through the process previously, or have frequent interaction with senior faculty/administrators who have gone through the process.

These barriers, among others, combine to stack the odds against the Grievant. An Office of Dispute Resolution (ODR) is proposed to address these issues. This office would serve to centralize these policies and resources. In addition, it would provide a neutral resource for all the parties of a Grievance to access.

- a. The ODR should be administered at the University level, in order to mitigate conflicts at the College/School level and ensure confidentiality.
 - b. The ODR should pursue relationships with attorneys that can be retained from time to time, as needed. This should include attorneys with experience in employment law. The ODR should provide representation to all parties of the Grievance.
 - c. In addition to providing a neutral office to provide resources to parties of a Grievance, the ODR can provide a repository for Grievance related procedures and rules from various Colleges/Schools. This will also serve to maintain institutional knowledge, making the Grievance process at the University more robust.
 - d. The ODR should also offer mediation services as an alternative to avert the Grievance process except as absolutely necessary.
3. Grievances should not be a clandestine process. It is acknowledged that Grievances may raise both sensitive and unsubstantiated information which can be harmful to the parties involved if released. However, the fact that a Grievance occurred and the result of the Grievance should be transparent. Egregious wrongs have been perpetrated at the University of Michigan because issues were handled without transparency. Secrecy breeds unscrupulous behavior. A record must be maintained of Grievances. Steps must be taken to protect sensitive information.
- a. At a minimum, the number of Grievance proceedings which occur in each College/School, and whether the Grievant or defendant prevailed, should be reported annually.
 - b. Including more information may be difficult, but it may be possible to aggregate some of the data in order to report it while still protecting the privacy of all parties.

Bylaws Recommendations (V1):

1. At the University of Michigan, the Regents and most Colleges/Schools have a set of bylaws [1]. The University does not, itself, have bylaws, but instead has policies known as “Standard Practices” (known colloquially as “SPGs”) [2]. “Bylaws” and “policies” may be differentiated in the following way:

Bylaws lay out a broad overview of an entity’s governance, structure and organization.

Policies set expectations for individual and organizational behavior for employees and departments.

The SPG website states that every unit has its own unique needs, and may develop their own policies provided they remain consistent with SPG requirements [3]. A “Unit” can be defined as an organization within the University that serves a specific academic, research, or administrative function, and has its own leadership structure, faculty, and administrative staff to manage its specific responsibilities and contribute to the overall mission of the university [4]. A brief survey of selected Units within the University found that Colleges and Schools typically have a set of bylaws, but smaller Units, such as departments, do not. Those Units without “bylaws” sometimes have other guidance documents which may be considered partially filling the role of bylaws, but these are often intermingled with policies and may not be well controlled. They may be passed around informally via email, verbally, or a printed copy may be found in a drawer of a senior faculty member. This means many of the important details about the governance, structure, and organization of a Unit are not written down. It is also possible that they may be changed without notice. **This is a problem because the lack of a formal, accessible set of rules causes confusion and may enable misconduct. In order to be transparent and equitable it is crucial that all Units have bylaws, and that those bylaws be publicly accessible.**

- a. Each Unit should be required to have a set of bylaws.
 - b. These bylaws should be publicly available.
 - c. Any changes made to these bylaws should be formally recorded.
2. It is acknowledged that this is a significant burden placed upon Units. In order to ease this burden it is suggested that the deadline for adoption of bylaws be lenient, and that an optional template be provided by the University.
 - a. A timeline should be set out, by the end of which individual units are required to make publicly available a set of bylaws. This timeline should be generous, recognizing that many units may have little to start with and may need to dedicate significant resources in order to develop a set of bylaws.

- b. The University should develop a basic set of bylaws as a template, with several examples of what a typical set of bylaws might contain. This would help support Units by providing a template that they can adapt to suit their individual circumstances.
- c. It should be recognized that bylaws generated from Robert's Rules of Order may have issues with equitability. (MIT consensus building may be a useful alternative).

[1] Bylaws are defined by the University as:

“The bylaws lay out a broad overview of the university’s governance, structure and organization. Additional information about the university’s hierarchy of legal and policy requirements, authority and delegations, as well as institutional-wide policies and procedures can be located on the U-M Standard Practice Guide website.” [regents.umich.edu/governance/bylaws/]

[2] Standard Practices are defined by the University as:

“University policies (SPGs) set expectations for individual and organizational behavior for employees and departments, and apply to the entire institution.” [spg.umich.edu]

[3]

“University-wide policies (SPGs) apply to the whole institution, but every campus, school, college and department has unique needs and operations. Individual units may develop policies and procedures to suit their circumstances, provided they remain consistent with SPG requirements.” [spg.umich.edu]

[4] A “unit” may be defined as:

“UNIT refers to any organization across the University such as a school, college, department, or central office. The Health System as well as the Flint and Dearborn campuses are considered University units.”

[<https://spg.umich.edu/sites/default/files/601x27.pdf>]; Information Security Policy SPG 601.27]

“A school, office, division, college, or department that has the authority to sponsor student organizations.”

[<https://campusinvolvement.umich.edu/content/university-unit>]; Center for Campus Involvement]

“**Unit** means a division of the University to which academic appointments can be made and to which resources can be allocated, including departments and similar units, centers, institutes, schools, and colleges.”

[<https://cam.illinois.edu/policies/asa-21/>]; University of Urbana-Champaign]

UM GPT:

“A "unit" at a university is a division or section within the institution that serves a specific academic, research, or administrative function, such as a department, school, college, research institute, or administrative office...Each of these units typically has its own leadership structure, faculty, and administrative staff to manage its specific responsibilities and contribute to the overall mission of the university.”

I think that UM GPT provides the best answer, which I will revise to:

“A "unit" is an organization within the University that serves a specific academic, research, or administrative function, and has its own leadership structure, faculty, and administrative staff to manage its specific responsibilities and contribute to the overall mission of the university.”