



To: SACUA

From: Adam Burak, Chair, Committee on Oversight of Administrative Action

Subject: Report on Activities of Committee on Oversight of Administrative Action for 2023-2024

Members:

Naomi Binnie
Adam Burak (Chair)
Arlo Clark-Foos
Mimi Dalaly
Shanna Kattari
Jacob Lederman
Massy Mutumba
Wayne C. Petty
Kristen Verhey
Oleg Zamulin
Keelly Jones
Luca Giobbio

SACUA Liaison:

Rebekah Modrak

Meeting Dates:

Fri. 10/6 from 2-3pm
Thur. 11/2 from 11am-12pm
Fri. 12/1 from 2-3pm
Thur. 1/11 from 11am-12pm
Fri. 2/9 from 2-3pm
Thur. 3/14 from 11am-12pm
Fri. 4/5 from 2-3pm

Introduction:

I would like to commend our committee members and administrative staff for their hard work and valuable insights this year. All members contributed at one point or another, and it is only through robust conversation of the entire group that we came to understand the issues, and develop potential solutions. Eric Vandenberghe played a critical role in the committee's success, going so far as to develop a template for the bylaws that we used to better understand what a set of bylaws requires. The COAA committee has had a successful year by developing recommendations that, if adopted in some form, will materially improve the welfare of our faculty. We humbly submit these recommendations to SACUA with the hopes that they find them useful, and will take steps to address the issues identified.

Committee Charge 1: Review the most significant challenges in the existing faculty grievance system and develop recommendations for improvement.

Committee Actions:

The Committee focused on this charge item at the October, November, December, March and April meetings. Vigorous discussion, research, and real-life examples informed our understanding of the grievance system in its current form. Clear issues were identified, with lack of enforcement of the grievance ruling being chief among them. It was also identified that the faculty member bringing a grievance have significantly fewer resources compared to the administration. Other issues are identified in the attached list of recommendations.

Once the primary issues were identified, the committee debated paths towards improvement to the grievance process. The recommendations were finalized after considerable review spanning several meetings.

Summary of Findings and Recommendations:

The main theme of our discussion centered around three topics: accountability, equality, and transparency.

After our discussions and investigations we were surprised to find that no action is required at the end of a Grievance hearing. This must be rectified. Faculty engage this process expecting some form of accountability, assuming if they are found to be in the right something will change. In its current form the Grievance process fails to accomplish this. We have proposed a solution, consisting of Required Actions, Assessment procedures, an Enforcement mechanism, and a Timeline. This should all be codified into an SPG.

There was a feeling of discontent surrounding differential treatment between the Grievant and the defendant, and lack of true neutrality. A new office was recommended to rectify this, but a new office will not solve the problem if it perpetuates the same issues. The root of the problem is equality, both parties in a Grievance hearing should be afforded the same level of support and resources.

Transparency is key for holding institutions accountable. It is crucial that Grievances be recorded publicly. We have recommended a minimum amount of data that should be reported, and that it should be regularly reviewed by relevant stakeholders. This would allow University administration to identify and address problematic units that may have repeated issues.

Full recommendations are attached.

Committee Charge 2: Develop best practices for the development of published bylaws in all units and departments, with consideration for DEI concerns.

Committee Actions:

The committee focused on this Charge item at the October, December, January, February, March and April meetings. The committee identified and reviewed examples of bylaws both inside and outside UM. The Chair met with the NERS department lead admin to discuss bylaws.

Based on this review, the attached list of recommendations and examples are included. Bylaws are meant to create a fair and equitable working unit, by which every member is subject to the same set of rules. It is critical that academic units implement bylaws, with consideration provided to the categories in the attached template.

Summary of Findings and Recommendations:

The main topic was whether or not units have bylaws. We found inconsistent adoption of bylaws in different units.

The majority of our discussions centered on what exactly bylaws are. We came to the conclusion that bylaws are differentiated from policies in that bylaws define how an organization governs itself, whereas policies are the rules governing the behavior of individuals within that organization. Our recommendation is that every unit should have a set of openly available bylaws, in order to publicly establish how their organization operates. A bylaws template was developed, by Eric Vandenberghe, in order to help us talk through what may be required in a set of bylaws.

DEI considerations were discussed at length. It was acknowledged that bylaws based upon Robert's Rules may carry with them biases from when they were developed. A potential alternative was identified, the "Short Guide to Consensus Building" developed by the MIT-Harvard Public Disputes Program.

The developed bylaws template is attached.

Full recommendations are attached.



Committee Charge 3: Consider emergent issues or topics brought forward by COAA committee members for discussion over the course of the year. While coordinating with the Faculty Senate Office to help avoid duplicating work that SACUA has now referred to itself or to another committee, the committee may also continue discussing any issues or topics raised in the committee's most recent annual committee report.

Committee Actions:

No additional topics were discussed.



Voted on and Approved Grievance Recommendations

April 5, 2024

1. Members of the University community (Ann Arbor, Dearborn, and Flint campuses) have criticized the Grievance process as lacking substance for a number of reasons. Chief among these is a conspicuous **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 Grievance Hearing Board's ruling. The Grievance process is designed to prevent the harm incurred from escalating an issue to legal action. Under its current design it does not effectively achieve this goal. If no action is required at the conclusion of a Grievance then there is no reason to engage the process in the first place. **If the Grievance Hearing Board determines that there were violations to University guidelines, the Institution should be committed to acknowledging and remedying those violations, both in the case of that particular Grievant but also in prompting a review of the Unit's practices.** Grievances have the potential to serve as coal mine canaries in identifying ethical or policy failings, and should be a high priority for the Provost. If violations are found, the Provost should meet with the parties involved to acknowledge this finding and discuss next steps. 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. Finally, this all needs to adhere to an established timeline, and all parties need to be informed at each step.
 - a. Something has to happen at the end of a Grievance. "Required Actions" at the end of a successful grievance are necessary if the grievance process is to be considered a sincere remedy.
 - i. The Provost should meet with the parties involved, including the Grievant, to acknowledge the findings and to discuss next steps.
 - ii. A mechanism should be established to allow the Provost to recuse themselves, should a conflict of interest be identified that may involve the Provost.
 - b. Procedures should be established to serve as an "Assessment" of whether the Required Actions have been satisfied.
 - c. The Provost should work with the Unit's Chair and Executive Committee to address governance and bylaws so that future violations are less likely to occur.
 - d. A mechanism for "Enforcement" is needed in the case that the Required Actions have not been satisfied.
 - e. A "Timeline" should be defined which sets requirements for when each of these steps should occur. This should also define what information is furnished to each party, and by what means, at each step in the timeline.
 - f. All of this should be contained in an SPG which defines: Required Actions, Assessment procedures, Enforcement mechanism, and Timeline. While the Grievance process may vary across the University, a uniform policy should be



developed to define what occurs at the conclusion of a Grievance.

2. Another concern with the Grievance process is a persistent perception that **resources are not provided equally to all parties**. College/School Leadership regularly interacts with the Office of General Counsel (OGC), which leads to the perception of informal access to legal counsel at no cost to themselves. At the same time, the Grievant needs to pay out of pocket to retain the same level of representation. As for policies regarding Grievance processes, they vary widely between Units and can be confusing for a person pursuing the process for the first time. In contrast, Leadership may have gone through the process before, or have frequent interaction with senior faculty/administrators who have gone through the process. These barriers, perceived or real, combine to stack the odds against the Grievant. **An Office of Dispute Resolution (ODR) is proposed to level the playing field. The ODR would serve to centralize policies and resources, in addition to providing a neutral resource for all the parties of a Grievance to access.** The Ombuds is typically considered as a neutral resource to accomplish these aims, but in practice this has not been successful in supporting faculty through Grievance proceedings.
 - a. Neutrality of the ODR is crucial for it to be successful.
 - i. Reporting directly to University Leadership is typically used as a mechanism for making an office neutral.
 - ii. As a leader in the Big 10 Conference, the University of Michigan should consider taking this a step further by developing an office outside the University of Michigan to make it truly neutral. Though this cannot be done for every “neutral” office, the Grievance process is important enough to merit this. The Grievance process is designed to prevent the harm incurred from escalating an issue to legal action, therefore both the Grievant and the University benefit from this neutrality. If the Grievance process is not seen as legitimate, the ability of the process to function as intended, avoiding escalation, will be minimal. Working with Conference partners to develop an office at the Big 10 Conference level may be a potential option.
 - b. The ODR should maintain relationships with attorneys with experience in employment law that can be retained, as needed. The ODR should provide representation to both parties of a Grievance.
 - c. The ODR should be the 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. A staff member should be made available to potential Grievants, providing help locating guidelines for Grievance policies.
 - d. The ODR should also offer mediation services as an alternative to escalating directly to the Grievance process.
 - e. The ODR should maintain a list of faculty who have undergone a grievance and who are willing to be contacted by faculty considering pursuing this process to provide information and advice.



3. Transparency is a crucial indicator of an institution's morality. Egregious wrongs have been perpetrated at the University of Michigan because issues were handled without transparency. Secrecy breeds unscrupulous behavior. **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. A record must be maintained of Grievances.** Steps must be taken to protect sensitive information.
 - a. At a minimum, certain data should be publicly available each year.
 - i. The number of Grievance proceedings which occur.
 - ii. Which College/School they occurred in.
 - iii. Whether the Grievance Hearing Board found that violations had occurred.
 - iv. When the Grievance was both filed and resolved.
 - b. Additional data would be useful, such as demographics. It is acknowledged that a delicate balance exists between transparency and protecting privacy. Including more information, while still protecting the privacy of all parties, may be possible by taking steps such as aggregating data, and reporting data at a level that maintains anonymity.
 - c. The Provost should review the data yearly in order to identify trends and common issues and then work with the Chair and Executive Committee of relevant units to address governance and bylaws so that future violations are less likely to occur.



Voted on and approved Bylaws Recommendations

April 5, 2024

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" is an organization within the University that serves a specific academic, research, or administrative function. It 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 consistently have bylaws**. 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.

Whatever documents the Unit has 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 may not be written down, may not be accessible and can possibly be changed without notice. **The lack of a formal, accessible set of rules is an issue because it 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 accessible.
 - 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 support Units by providing a basic set of bylaws that can be used as a template. This template should include several examples of what a typical set of bylaws might contain, which individual Units can adapt to suit their individual circumstances.
 - i. When developing this template it should be acknowledged that bylaws generated from Robert's Rules of Order may have issues with equitability due to the climate when they were developed.
 - ii. A more useful starting point may be MIT's "[Short Guide to Consensus Building](#)".
 - iii. A preliminary template has been developed, which is included with these recommendations.



[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:



FACULTY SENATE

SENATE ASSEMBLY
UNIVERSITY OF MICHIGAN

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

Bylaws: Examples

Items for consideration when crafting bylaws

- Introductory section

This section could include a mission statement. It could also include a preface, which states that it is subject to the Regent's bylaws. It could also include a revision history with the dates of revision. This could also include the process for amending bylaws.

- Faculty Ranks

Each rank should have clear definitions. These definitions should cover all ranks in the unit, including lecturers, tenured/tenure track faculty, and any other relevant roles. There should be sections that cover those with academic and administrative titles, as well as those who hold joint appointments in multiple units. There should be a clear description of the responsibilities of each rank, or reference to separate documents where that information is held, as well as directions to obtaining said external document.

- Compensation

For each rank, there should be a clear description of the pay schedule, initial salary and startup package, merit and promotional increases, benefits, and all other compensation.

- Reviews

In general, the processes and procedures for every aspect of faculty review should be spelled out in great detail. This section should include timelines, possible outcomes, who is reviewing and making final decisions, among other relevant information.

- Tenured/tenure-track faculty
- Lecturers
- Other

- Faculty Searches

This should include information about the types of hiring searches, relevant committees, role of administration, oversight, and other relevant information. Detailed duties of the search committee should be included here as well.

- New Faculty Hiring and Appointments

Information regarding employment offers, university and school orientation, and other pertinent information is to be shared in this section.

- Professional Development Support

This section should cover sabbaticals, mentoring programs, and other relevant professional development opportunities.

- Resignation and retirement

The process for resigning and retiring from the faculty position should be included here. This should include who to contact. For retirement there should be information regarding benefits, including relevant dates and eligibility requirements. It may be good to include reference to University policies and perhaps school/university resources.

- General policies

This section can be a catch-all for necessary guidelines that do not fit in any of the other categories. These can include:

- Non-discrimination policy
- Diversity, Equity, and Inclusion policy
- Workplace relationship policies
- Professional standards for faculty
- Conflict of interest policy
- Grievance policy
- Policy of faculty absences
- Family friendly policies, services, and resources
- P-card policy
- Grant and external support policy
- Punishment for rule violations (Should this be its own section?)
 - o Appeal process

Depending on the amount of information, these could be their own sections.

- Instructional policies and practices

This section should include relevant policies and practices, including but not limited to:

- Teaching Load
- Course Scheduling
- Enrollment Management
- Course Content and Syllabi
- Course management and related logistics
- Course evaluation
- Grades
- Accommodations for students
- Inclusive Teaching statement
- Resource information



- Facilities policies and practices

This section should cover facilities policies including:

- Faculty offices
- Keys and keycard access
- Reserving shared spaces

- Organization charts

All relevant organizational charts should be housed in this section. There may be a need to have an explanation of the structure of the organization. There could be written sections that include descriptions of leadership positions.

- Faculty governance rules

All relevant rules and practices regarding faculty governance specific to the group should be housed here. Items to consider including in this section include:

- Administrative Structure
- Meetings
- Voting
- Executive Committee structure and procedures
- Other committees
- Elections
- Committee charges

- Glossary

This section could include keywords, definitions, and where the keywords can be found in the document if the length of the document warrants such a section.