

Minutes: September 9, 2024
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THE UNIVERSITY OF MICHIGAN
Senate Advisory Committee on University Affairs
Monday, September 9, 2024, Time 3:00
The meeting was held in 1100 Ruthven and remotely via Zoom

In-Person Attendance: Chair Rebekah Modrak, FSO Director Lucas McCarthy, Prof. Soumya Rangarajan, Prof. Melanie Tanielian, FSO Coordinator Ann Marshall, Secretary Deirdre Spencer

Remote Attendance: Vice Chair Heather O'Malley, Prof. Simon Cushing, Prof. Vilma Mesa, Prof. Derek Peterson, Prof. Alex Yi

Guests:

- Santa J. Ono, President of the University – Remote attendance
- Tami Strickman, Special Advisor to the President and Executive Director, Equity, Civil Rights and Title IX Office -- In Person attendance
- Patricia Petrowski, Associate Vice President and Deputy General Counsel, Office of the Vice President and General Counsel – In-Person attendance

Press:

- Jeffrey Bleiler, *University Record* – Remote attendance
- Audrey Shabelski, *Michigan Daily* – Remote attendance
- Astrid Code, *Michigan Daily* – Remote attendance

3:04: Call to Order

- The chair called the meeting to order at 3:04 pm
- The minutes of the August 6th meeting were approved by consent.

3:05 Chair's Update

- The chair attended the football game this past Saturday and enjoyed regent's box.
- SACUA will be receiving committee charge drafts for our review.
- The Regent's Candidate Forum will be held on Oct. 22nd at the Michigan Theater
- SACUA will send to the University Senate information about the Regent Candidate's Forum, the Faculty Mixer, Innovate Brew, and the Writing Retreats.
- Tomorrow (Tuesday the 10th) from 12-1 will be the first of the public square speeches on the Diag. The topic will be climate policy. On Sept. 24th reproductive rights is the next topic in the series. Links to request an opportunity to speak or to take the poll to determine future topics are available on the [event webpage](#). The chair encouraged everyone to tell your students and colleagues.

3:15 Matters Arising Executive Session

- By unanimous consent, SACUA approved conducting the Matters Arising portion

of the meeting at 3:15, rather than at the regular time at the end of the meeting.

3:30 Guest: President Santa J. Ono -- Executive Session

4:00 Post- Guest Discussion – Executive Session

4:10 New Title VI Policy

- Tami Strickman, Special Advisor to the President and Executive Director, Equity, Civil Rights and Title IX Office (ECRT)
- Patricia Petrowski, Associate Vice President and Deputy General Counsel, She represents the university side of the general counsel's office.
- Just prior to the meeting, SACUA received an updated copy of "The University of Michigan Policy and Procedures on Prohibited Discrimination and Harassment Involving Students", which is a new U-M Title VI policy just finalized but not yet made public.

Patricia Petrowski gave a presentation regarding the events which led to the creation of the agreement we received.

The Department of Education's Office of Civil Rights (OCR) opened an investigation of the University of Michigan's handling of shared ancestry complaints. OCR received a complaint that did not come from a student, faculty, or staff member but rather a third-party who used publicly available sources of information only. (The information was primarily news articles about the protests at the Ruthven Building and the president's residence and an email that went out to the Law School sent by various pro-Palestinian groups). Based on this information, OCR opened an investigation.

The investigation led to a resolution agreement that U-M entered into this past June of 2024. U-M did not have much leverage in negotiating this agreement except on dates and when items would be implemented. Under the agreement, U-M needed to draft new student policies and revise existing ones. SSRR has a provision on harassment and bullying, but it doesn't require the university to investigate, nor does it require a single intake process. OCR had to approve them before we could implement them. U-M also agreed to do a climate assessment, not only about shared ancestry but also race, color, national origin, and any form of discrimination other than sex. There are now a host of these settlements with OCR by other institutions which are virtually identical to U-M's settlement agreement.

This new Title VI policy does not replace the SSRR and is meant to be a corollary of [SPG 201.89-1 \(Discrimination and Harassment\)](#). Under the new Title VI, ECRT conducts an investigation.

Tami Strickman followed up with additional information.

Some of the key changes under the new policy require ECRT to be the main intake for all harassment and discrimination complaints. Not all matters will have to go through a formal investigative process, but OCR wants to ensure all of our students know what the resource and reporting options are, and they are being provided with that information.

There are differences in how some of these complaints may be handled, for example, some are addressed within the unit. In such cases, ECRT or Student Life may never be informed. However, ECRT will be tracking cases to make sure the students have the proper resources for the supportive measures they may need. For example, ECRT could work with a student and her advisor to help her find another lab in a particular time slot. ECRT would help the student navigate the resources and improve their educational environment.

There will be more avenues for investigation, as we will have trained equity specialists who will conduct intake and offer support to investigations where appropriate. They will also conduct an analysis to see if certain behaviors would fall under the policy, and if so, how should they be addressed.

Q and A Discussion

Question. The new policy states, “A complaint under this policy may be brought by the University or by a student, faculty, staff member, or a third party against a student.” Can you tell us exactly what is “the university” and a “third party?” Why would a third-party complaint based on information in the news have such significance regarding policy?

Answer. In terms of third parties, ECRT receives those kinds of complaints often. For example, it could be someone who was attending a university sponsored event such as a football game or a speaker on campus, and they were subjected to some kind of discrimination or harassment, or if one of the individuals engaged in the harassment was one of our community members, a student, staff or faculty member, these are matters we would look into because they are still part of our community. OCR required U-M to include third-party complainants. If the complaint is from a parent, for example, ECRT will conduct due diligence regarding the validity of the complaint, but the ECRT will not prevent people from bringing allegations of misconduct to their office.

As for the issue about why the “University” can be a complainant, there are some circumstances, just like under our sexual misconduct policies, and SPG 201.89-1 where we will have an unwilling complainant, but we have very clear evidence that something has happened. In those situations, ECRT may make a decision that they are going to move forward in the absence of a willing complainant. (This doesn’t happen very often and is definitely the exception and not the rule. Addressing situations involving unwilling complaints is already provided for under U-M’s sexual discrimination policies).

Question. Considering the new policy, what is the role of the Office of Student Conflict Resolution OSCR?

Answer. The Office of Student Conflict Resolution will remain in place, but discrimination and harassment complaints will be referred to the ECRT. The SSRR process is a separate process from the new ECRT process, but the SSRR also includes that the “University” can be a complainant.

Question. If the addition of the “University” as a complainant is to address situations involving unwilling complainants, why couldn’t that rationale be explicitly incorporated

into the policy itself, such as providing language stating clearly that the University may bring a complaint in such a situation?

Answer. It would be a good idea to include that language.

Question. The new policy states, “All University employees, except for Confidential Resources, are required to share with ECRT details they receive about Prohibited Conduct within 48 hours of receiving those details.” This is completely contrary to the mission of the university, and there are many faculty colleagues who agree on this matter. Does this reporting obligation include when faculty observe an event that some may find objectionable?

Answer. You probably won’t know the people at the event, but if you think it is possible that someone could be harmed, you should report.

Question. Can this draft be changed?

Answer. No, it is already approved by OCR. There are analogous changes to be made regarding employee policies as well.

4:35: Agenda Building – SACUA members had nothing further to discuss about future agendas, but there will be more discussion tomorrow, at Tuesday’s agenda planning meeting at 4:00pm, and at Friday’s SACUA retreat.

4:55: The Meeting Adjourned

Addendum

SACUA Actions

Between regular meetings, SACUA has performed the following actions that should be included in the SACUA minutes:

- On August 26, 2024, SACUA accepted the resignation of SACUA Member Tom Braun.
- On August 30, 2024, SACUA held a special meeting.
 - During the meeting, SACUA approved the content of a letter to be sent from SACUA to the University’s leadership.
 - During the meeting, SACUA approved a statement calling on the University’s leadership to respect and support student activism, with the statement to be added as a comment to an August 29, 2024 *Record* article: [“Four arrested for violating U-M policies during Festifall.”](#) Because two SACUA members had to leave before the vote was held, SACUA approved holding an additional, short electronic vote after the meeting as a courtesy (in case the departed SACUA members might be able to vote as well), even though the vote of approval during the meeting still met quorum requirements. The second post-meeting vote did not change SACUA’s approval, and the statement was again approved by SACUA.

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 policies 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."