



General Counsel's Advisory Committee (GCAC)

Minutes of Meeting 9/27/24

Circulated: 11/8/24

Approved: 11/15/24

Present: Jason Fettig, Sybil Biermann (Chair), Kirsten Herold, Aric Knuth, Chris J. Walker, Derek Peterson (SACUA Liaison, Yulia Sevryugina, Jamie Tappenden, Judith Walker, Silke-Maria Weineck, Tim Lynch (VP and General Counsel)

Absent: Nancy Allee

Faculty Senate Office: Eric Vandenberghe, Lucas McCarthy

9:02am-9:03am; 9:25am-9:36am: Call to Order, Approval of Agenda and Minutes, Announcements

The agenda was approved. The minutes for the April GCAC meeting were approved. Discussion on the meeting minutes takes place with opinions offered as to the level of detail required.

9:03am-9:06am: Introductions (All)

Summary: Introductions are made.

Action: Introductions

9:06am-9:25am: Discussion of “ground rules”Chatham house; confidentiality/discretion (Biermann)

Summary: Chair Biermann introduced the [Chatham House Rule](#). The rule is as follows:

“When a meeting, or part thereof, is held under the Chatham House Rule, participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed.”

VP Lynch offered support for this and discussed the reasoning behind this. Support is offered by committee members.

A discussion regarding transparency takes place. The related SACUA Standard Operating Procedure is discussed. Executive session is discussed, and when it is appropriate to utilize it.

Action: Discussion

9:36am-10:30am: Task force #3 report: UM institutional neutrality

Summary: VP Lynch offered a summary on the recently released [Report of the Advisory](#)



[Committee on the University of Michigan Principles on Diversity of Thought & Freedom of Expression](#). Focus on this conversation will center on subcommittee report #3.

Members who served on subcommittee #3 offered insight into the process for assessing the issue and offering recommendations. It is conveyed that a wide variety of opinions were shared. It is conveyed that the conclusions found in the report are offered independently. The committee read all the public comments, as did VP Lynch.

At the September Regents meeting, this report was discussed. [The Regents asked VP Lynch](#) to prepare “a formal Regents’ Bylaw that would codify a position of institutional neutrality on political or social issues not directly connected to internal university functions.”

With this background information provided, the floor is opened for comment by the committee members. A wide array of opinions is voiced.

A member states their disagreement with UM adopting such a policy, with concerns that these types of policies serve as a speech ban on departments. A point is made that neutrality is never neutral.

Another member voices support for this proposed policy. They state that there are several schools that recognize administrations should be neutral. A point is made that such a policy is not about individuals, rather it’s about the University as an institution.

A member brings up that SACUA and the local AAUP chapter have requested that would like for the GCAC to have direct input into the proposed neutrality policy prior to any decision regarding its adoption.

A member discusses the dynamics within individual departments on campus, and what conversations on issues can look like.

A member argues that such a policy would protect faculty. Another member argues that such a policy does not address these protections.

Another member reiterates such a policy would allow the University have opinions on internal matters. Discussion ensues on what that scope could contain.

A discussion about how policies can used well in certain instances and misused at times. For this policy, there is no mention of consequences for going against the policy. Other opinions are voiced, with pros and cons of such a policy offered.

A hypothetical situation is posed, and the committee discusses how the policy would apply. A point is made that the line in the policy regarding the ability to speak on internal matters allows for flexibility to address specific situations. Examples of chilled speech and curriculum issues ongoing in states across the country are brought up, with a point made that the policy under consideration would be detrimental to academic autonomy. Discussion on this takes place.

A member brings up that when the university makes too many statements, they become less visible and less impactful.



A member urges the Regents slow down the process for reviewing and deciding on such a policy. They indicate that gaining adequate community input is necessary.

The Chair concludes the meeting by summarizing three themes that came up in discussion throughout this meeting

- There are concerns by some members that the policy will suppress faculty speech
- There is a need for clarification on internal governance
- There is concern regarding the practical governance of such a policy

Action: Discussion

10:30am: Adjournment

Respectfully submitted,

Eric Vandenberghe
Faculty Governance Coordinator
Faculty Senate Office