

Minutes October 28, 2024  
Circulated November 15, 2024  
Approved November 18, 2024

**THE UNIVERSITY OF MICHIGAN**  
Senate Assembly  
Monday, October 28, 2024, 3:15pm

**The hybrid meeting was held in University Hall, Ruthven, Room 2000 and Zoom**

**In-person attendees:** Meaghan Blanchard (nonvoting), Jon Brennan, Paul Fossum (nonvoting), Patricia Leoncio (nonvoting), Yong-Qing Li, John Magee (nonvoting), Ann Marshall (nonvoting), Luke McCarthy (nonvoting), Rebekah Modrak, Susan Najita, Heather O'Malley, Derek Peterson, Soumya Rangarajan, Craig Smith, Deirdre Spencer (nonvoting), Melanie Tanielian, Kentaro Toyama, Eric Vandenberghe (nonvoting), Jon Zelner

**Virtual attendees:** Charlotte Albrecht, Mousumi Banerjee, Sue Bell, Sybil Biermann, Sara Blair (nonvoting), Jeffrey Bleiler (nonvoting), Helen Burgess, Jade Burns, Deepa Butoliya, Umayyah Cable (nonvoting), Jesse Capecelatro, David Caron (nonvoting), Luciana Chamorro (nonvoting), Yi-Su Chen, Amy I-Lin Cheng, Walter Cohen (nonvoting), Juan Cole (nonvoting), Meghan Courtney, Clare Croft (nonvoting), Simon Cushing, Robert Duncan, Monica Dus, Hannah Ensor (nonvoting), Johannes Foufopoulos, Terri Friedline, Christopher Friese (nonvoting), Caren Goldberg, Jay Guo, Gary Hammer, Lucy Hartley (nonvoting), Brendan Haug, Joshua Hausman, Ingrid Hendy, George Hoffmann (nonvoting), Yihe Huang, Pauline Jones, Elizabeth Keren-Kolb, Shake Ketefian (nonvoting), Brad Killaly, Anna Kirkland (nonvoting), Carolyn Kuranz, Corey Lester, Marjorie Levinson (nonvoting), Aida Levy-Hussen (nonvoting), Charles Lwanga, Khaled Mattawa (nonvoting), Sara McClelland (nonvoting), Victor Mendoza (nonvoting), Vilma Mesa, Shahzad Mian, Yasmin Moll (nonvoting), Cristina Moreiras-Menor (nonvoting), Karin Muraszko, Mukesh Nyati, Tae-Ju Oh (nonvoting), Phillip Palmbo, Alyssa Paredes (nonvoting), Jessica Pasquale, Pamela Pennock, Melissa Phruksachart (nonvoting), Robin Queen (nonvoting), Harmony Reppond, Chris Rider (nonvoting), Andre Monteiro Da Rocha, Joy Rohde, Stacy Rosenbaum, Kimberly Saks, Suzanne Selig (nonvoting), Albert Shih, Lauren Smith, Elizabeth Viglianti, Sarah Vordenberg, Lauren Wester-Murphy (nonvoting), Craig Wilkins, Alex Yasha Yi, Jason Young, Basit Zafar (nonvoting), Paul Zimmerman.

**Press:**

Patricia Leoncio – *Michigan Daily*  
Jeff Bleiler – *University Record*

**3:15** Come to Order at 3:19. The minutes were approved by consent.

**3:20** Senate Assembly Chair Update

1. Regent's candidate forum was held last week. You may access the recording at <https://facultysenate.umich.edu/regent-candidate-forum/>.



2. Next week at this time will be the University Senate meeting for all ~7,600 UM faculty representing the Ann Arbor, Flint, and Dearborn campuses.
3. There are 4 motions which were submitted and will be discussed at that time.
4. Self-nominations for Senate Secretary are due next Tuesday at noon.
5. 3<sup>rd</sup> year Senate Assembly members are automatically part of the nominations committee which will select the members and chairs for the 18 Senate Assembly committees. They will receive emails with instructions later in the week.
6. The current members of SACUA were introduced to the Senate Assembly.

### **3:30 Panel Discussion: Safeguards for Faculty**

Over the past few years and especially the past 6 months since Professor Rebekah Modrak has been chair, many faculty have reached out to her and the Faculty Senate Office reporting how their careers were harmed due to insufficient protections, lack of due process, and in some cases retaliation for raising legitimate concerns. Too often, when faculty report serious issues, upper-level administration closes ranks around the dean or department chair and against those faculty members. These faculty members were isolated simply for trying to improve our institution. This year, one of SACUA's primary goals is to support these faculty members, to listen to them, and bring to light instances of policy violation, intimidation and retaliation. We advocate that procedural protection should be in place. We also advocate for transparency in tenure, promotion, and discrimination cases. Grievance and fair hearing processes must work to protect faculty. They also need protection from isolation and retaliation which would deter them from speaking out.

There were 4 faculty colleagues who were invited to speak and to share their stories. What has happened to them has happened to others. Some are currently involved in active legal cases.

Each panelist had 5 minutes to speak. Speaker identity is protected in these minutes. The following is a summary of some of the issues presented:

- Tenure reviews included additional input from anonymous and secret reviewers who are not subject specialists. There was no transparency regarding this review.
- A faculty member with a prior history of bias against another faculty member was permitted to influence the evaluation of that faculty member.
- A faculty member experienced sexual harassment, harassing emails, and inappropriate comments on physical appearance from leadership.
- An ECRT and OIE investigation claimed that these events did not constitute intentional discrimination.
- FMLA leave was offered and later rescinded with a claim of abandonment of post.
- According to OGC, faculty are not entitled to due process and UM is immune from culpability. UM is not required to follow its written policies.
- Faculty received substantial salary cuts.
- Faculty responding to these events incurred exorbitant legal fees (\$150k+) due to needing to retain a personal lawyer.
- Isolation from colleagues and professional life takes a toll as does additional stress.
- Faculty members have no enforceable rights.
- OGC should be held accountable for retaliation against faculty who fight for justice.

- Electronic surveillance of class sessions means the faculty must carefully monitor what is said in class.
- No representation from Academic HR.
- DPSS was employed against a faculty member.
- Micro- and macro-aggressions against faculty members by staff and supervisors.
- Loss of leadership opportunities and office space.
- The full report against a faculty member was never revealed and the records were destroyed, resulting in a lack of transparency.
- Faculty was pronounced uncooperative when requesting a fair hearing.
- Faculty do not have protection here. Wayne State University and Washtenaw Community College faculty have more protection.
- UM faculty need unionization and a faculty assigned attorney.
- The OGC takes an adversarial position against faculty.

A panel discussion followed the faculty presentations.

**Panel discussion comments and questions:**

- Is this a larger problem? How widespread are these issues?
- Why is there not a clear record of rules and procedures for faculty grievance?  
 Answer: Academic HR does not have or keep grievance records. The FSO have numbers for grievance cases.
- What have your interactions with OGC been? Answer: all of them are involved with OGC and OGC are the attorneys for the administration, so information is a matter of attorney / client privilege and therefore not available.
- Secret viewers for tenure cases under cover for 3 years.
- General counsel ensures that policies are followed.
- One speaker was stripped of her fellows, leaving them out on a limb.
- What would you like the Faculty Senate to do for you? How can we support you?
- OGC's job is to win the case for the university, not the pursuit of truth. You don't get a chance to share the truth.
- It is uncomfortable that these are all people of color experiencing this.
- The understanding is that doctors never win grievance.
- OMBUDs should be under faculty. (Actually faculty OMBUDS are under SACUA).
- A Senate Assembly member was not surprised by the stories.
- A SPH faculty member emphasized the detrimental effect on one's mental health.

**4:15 Senate Assembly Discussion of Safeguards for Faculty**

- OGC acts as the legal defense team for the university and advises the administration on how to respond.
- OGC should represent all faculty and staff, not the administration.
- A \$30K allocation for faculty to pay for their own attorneys would be good.
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- We are seeking to address policy violations.
- The grievance process is the main way to resolve issues. One must submit their case to a 3-member panel.
- Representatives from AAUP, COA, SMTD proposed to revise the grievance policy. Where results were harmful 3 broad areas need to be addressed: 1. enforcement and timetables, 2. ability for faculty to defend themselves. 3 transparency. This was sent to the provost.
- The administration sees the faculty as employees and the administrators as



employers.

- OGC can decide to accept and implement the remedies, or faculty must get their own lawyers.
- AAUP representative asked– Why would OGC be interested in this? They are to defend the university.
- They take an adversarial stance. Truth and justice dismissed. For example 2% of sexual misconduct reports are not believed to be true. OGC is failing, i.e. the Anderson case.
- We had no response to reports of discrimination because they disbanded the Emergency Response Team due to First amendment violation.
- Our policies are merely guidelines, including our employment letters. The rules only apply to complaining faculty members.

#### **4:45 Revision of SA Resolution about Pausing the SSRR changes.**

The Senate Assembly considered “Motion 1: Call to Pause Implementation of the Revised Statement of Student Rights and Responsibilities.” The motion is an revised version of a Senate Assembly motion approved by the Senate Assembly at its last meeting in September, calling for the University to pause implementation of changes to the Statement of Student Rights and Responsibilities approved by the Regents in July. Motion 1 adds a number of “whereas” provisions to provide context and has been approved by SACUA for submission to the full University Senate for the upcoming Senate meeting on November 4<sup>th</sup>. Whether the Senate Assembly approved the motion or not, it will be presented to the University Senate at that meeting. Without objection, the Senate Assembly will vote electronically, after the meeting, on whether to also approve Motion 1.

#### **4:50 Matters Arising**

A recent Guardian article regarding the Michigan Attorney General’s punishment of UM student protestors was mentioned by a faculty member.

Another faculty member emphasized the importance of shared governance.

**5:00 Adjourn** -- The meeting adjourned at 4:53

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 polices 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."