

Minutes: November 11, 2024
Circulated: November 22, 2024
Approved: November 25, 2024

THE UNIVERSITY OF MICHIGAN
Senate Advisory Committee on University Affairs
Monday, November 11, 2024, 3:15
The hybrid meeting was held in 1100 Ruthven

In-Person Attendance: Chair Rebekah Modrak, Vice Chair Heather O'Malley, FSO Director Luke McCarthy, Prof. Derek, Prof. Soumya Rangarajan, Prof. Melanie Tanielian, FSO Co-Ordinator Eric Vandenberghe, Secretary Deirdre Spencer

Remote Attendance: Prof. Simon Cushing, Prof. Alex Yasha Yi

Absent: Prof. Vilma Mesa, Librarian Craig Smith

Guest: Attorney Ramis Wadood, ACLU of Michigan

Press:

Genevieve Monsma – *University Record*

Julia Arboleda – *Michigan Daily*

Caleb Rosenblum – *Michigan Daily Photographer*

3:00 Come to Order and Minutes Approval – The meeting was called to order at 3:01. The minutes were approved by consent.

3:05 Chair's Update

The Chair shared that some concerns about monitoring or restrictions on email communications in some units has been shared, but it is not clear if this is an issue that SACUA needs to pursue further. During this discussion, SACUA members shared how Michigan Medicine faculty will soon not be able to retain emails older than two years. Security breaches have occurred via email. Faculty who see patients are to now use Microsoft "Teams," rather than email, for matters involving patients.

3:15 Post-University Senate Meeting Discussion

Updates from last week's University Senate meeting were discussed.

- President Ono contacted Chair Modrak regarding Motion #4 on gender-based violence. The president also reached out to Tami Strickman, director of ECRT, encouraging her to work with us.
- President Ono acknowledged the letter to the regents and encouraged them to meet with SACUA. He said that at the University of Cincinnati, the faculty senate chair is a seat at regent's table.
- A SACUA member stated that the votes indicate faculty want to be part of running the university.
- Another SACUA member wanted to know how this year's vote numbers compared to 2021 when we had the vote of no confidence for President Schlissel. There was a 50.4% vote of no confidence. This time, there was a 71.3% vote to censure. Chair Modrak will distribute to the membership a

breakdown of the votes and the percentages. 71% was the lowest number. All the rest were higher.

- A SACUA member suggested that we conduct a press conference and widen the scope of communication beyond the motions that were voted on.
- The chair wants to hear from the current Regents. The new regent will begin in January. Regent Ron Weiser's term on the Board is ending, and Carl Meier is joining the Board. Denise Ilitch is returning.
- SACUA can coordinate with the individuals who brought the motions. The SPGs need revising. We can have specific committees to look at subject expertise for each group of SPG's. It is better than having one committee doing thousands of revisions.
- It is believed that a broad administrative review of SPGs has been ongoing, with administrators from multiple offices involved. The chair asked if there was any faculty input, but it is not clear what amount of faculty input has been sought or provided.
- Response to Motion 2 regarding increased faculty voice in reviewing SPGs was overwhelming. We could cooperate with various offices, including the office of VP Chatas and the Provosts' office. We want to bring the groups together.
- With the RPP, the Faculty Senate Office is working on a comparison of our Faculty Senate to other institutions. At some institutions, their version of our Senate Assembly approves University policy changes. MSU has 5 faculty who attend meetings of their Board of Trustees.
- There is a Nov. 1st deadline to propose changes to SSRR that will then be revised by SRAC. CSG is also proposing changes to SSRR.
- What should the Chair do if the regents don't get back to us? We could hold an event and provide space for Regents to speak. This was the chair's goal with a collegial letter sent recently to the Regents. We could host a dinner, lunch, or breakfast with the Regents.

3:40 Guest: Atty. Ramis Wadood, ACLU of Michigan

- Staff attorney at ACLU Michigan provides the ACLU perspective regarding freedom of speech rights and the policing of student protesters and others on campus.
- Q. What are you seeing here and nationally? A. What they see is similar at our premier universities. MSU and WSU use different ways to criminalize conduct that is approximate to speech (for instance, a too loud megaphone).
- Public universities must adhere to constitutional protections of free speech.
- Violations at private universities are more unchecked. The federal government can still exert some pressures toward protecting free speech, through the Department of Education, but the same legal protections don't apply to protect free speech as for public universities. Private universities should still protect intellectual discourse.
- Protest speech is meant to be disruptive (with banners, amplified sound, etc.) Protection of class time is being weaponized now in the protest context.
- Student disciplinary policies are used to sanction students,
- The campus should be disrupted as in a town square. Over-policing is being experienced. Trespassing is not allowed.
Sanctions from the university result in using every option to prosecute. There are systemic issues with the university's responses to protests, but he would like to have the university come to the table and discuss these issues.
- Question: recent bans of students from class and campus prior to due process.

What measures could we take? Answer: all are entitled to due process, but each case is different regarding what process is due. Generally, there should be a pre-deprivation hearing before someone is deprived.

- The constitution is the floor of what they are entitled to at UM.
- The right to protest, assemble, etc. should be promoted and encouraged rather than disciplinary actions and trespass hearings.
- A SACUA member expressed gratitude to the ACLU and asked what about Title VI and the university's rhetorical commitment to it. A SACUA member asserted that students are not necessarily entitled to pass through campus without hearing offensive speech. Offensive speech can still be protected speech. However, under Title VI, we are encouraged to report speech that is offensive due to a hostile work environment. What can faculty do, regarding this tension between the constitution and Title VI? The university must find a balance and not conflate the two, even though there will be uncomfortable conversations. Debate and uncomfortable speech should be encouraged. The First Amendment is supreme over Title VI.
- Q. What have you witnessed? A. Nationwide and historical trend is the increased use of policing. Also, there is now an overreliance on surveillance technology. Universities may therefore be failing to prevent a hostile campus environment. In particular, due to historical factors, over-policing can cause fear in black and colored communities. There are concerns about cameras watching where affinity groups are meeting. The president hasn't addressed the use of surveillance technology and private security on campus.
- External consultants have been contracted to bring charges against students. As a student and attorney, he has never seen such outsourcing. It is a trend across the country.
- **Recommendations**; speech protections, leadership, and mentorship for students. Give them a seamless academic experience if they have been banned from class and campus. Let them keep being students. UM faculty has done a good job supporting students. Faculty censoring regents is rare. Kudos to us. Keep doing what we are doing, Keep supporting students.

4:10 Approval of CARE Charge

After discussion, with a minor edit to include the GCAC in its discussions and contact the GCAC committee chair, the CARE charge distributed in advance of the meeting was approved.

4:20 Senate Assembly Agenda Approval – Executive Session

After discussion, the Senate Assembly agenda was approved.

4:45 Adjourn -- The meeting adjourned at 4:58

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."