

University Senate Meeting

November 4, 2024
3:15 pm
Hybrid

University Hall, Ruthven, Room 2000
Register for In-Person Attendance

Zoom

Agenda Items

Time	Topic	Action Item
3:15	Come to Order, Minutes, and Announcements	
3:20	Senate Secretary and Senate Parliamentarian Elections	Electronic Voting Starts at 5:00 pm (Open for 72 hours)
3:25	<p>Motions</p> <p>Motion 1: Call to Pause Implementation of the Revised Statement of Student Rights and Responsibilities</p> <p>Motion 2: Motion on the Creation and Review of SPGs</p> <p>Motion 3: Motion to Censure the University of Michigan Regents</p> <p>Motion 4: Motion on Accountability for the Handling of Gender-Based Violence and Discrimination at the University</p>	Electronic Voting Starts at 5:00 pm (Open for 72 hours)
4:45	Matters Arising	
5:00	Adjourn	

Motions

**The University of Michigan
University Senate
Motion #11042024-1**

Motion 1: Call to Pause Implementation of the Revised Statement of Student Rights and Responsibilities

WHEREAS, for the Ann Arbor campus, the *Statement of Student Rights and Responsibilities* “describes possible behaviors which are inconsistent with the values of the University community; it outlines procedures to respond to such behaviors; and it suggests possible sanctions/interventions which are intended to educate and to safeguard members of the University community” (*Statement*, Art. I);

WHEREAS, Article VIII, Section J of the *Statement* provides that “the Statement will be open for amendments every three years” and that “the Board of Regents has provided the Student Relations Advisory Committee (SRAC) of the Senate Assembly with primary oversight of the review,” with SRAC being a Faculty Senate committee under the oversight of the elected faculty members of the Senate Assembly;

WHEREAS, Article VIII, Section J of the *Statement* further provides that SRAC shall oversee the amendment process with broad community input from the University’s executive officers [including the Vice President of Student Life (VPSL) and the General Counsel], students through Central Student Government (CSG), and the faculty through the Senate Assembly;

WHEREAS, Article VIII, Section J of the *Statement* further provides that an off-cycle amendment period may occur, if necessary, provided there has been unanimous agreement to do so by the VPSL, the SRAC Chair, and the CSG President;

WHEREAS, the *Statement*’s amendment process was approved by the Board of Regents in 1999 in response to a student-led effort to make the *Statement* a dynamic, living document developed through a community process—permitting everyone to share ownership—rather than being a code of conduct imposed top-down from the Regents;

WHEREAS, in its July 2024 meeting, the Board of Regents revised the *Statement* without consultation with CSG or Faculty Senate leadership—including the Senate Advisory Committee on University Affairs (SACUA), the Senate Assembly, or SRAC—with those revisions including the following:

- Adds that the “University,” as separate from the students, staff, or faculty of the University, can file a complaint against students, without providing any clarity regarding who can exercise this authority and what accountability they have;

- Removes the right of the student possibly being sanctioned to offer suggestions regarding the appropriate remedy, should they accept responsibility for the alleged misconduct, so as to support involving the student in an educational opportunity;
- Shortens the timing for students to respond to the possibility of serious sanctions, including expulsion;
- Effectively removes the option of including a student panel to determine whether misconduct has occurred (thereby placing a Hearing decision in the hands of a single staff Resolution Officer);
- Eliminates the Appeals Board that considered appeals, which included student, faculty, and administration representation, thereby no longer including faculty in the appeals process (thereby placing an appeals decision in the hands of only the VPSL);
- Makes the appeals process conditional upon staff members within the U-M administration first determining for the student whether that student's appeal will be submitted to the VPSL for consideration;

WHEREAS, all of the above occurred without any discussion with SACUA, the Senate Assembly, or SRAC of why the above changes were appropriate, including the elimination of faculty involvement in the appeals process;

WHEREAS, the regular tri-annual amendment process, with SRAC oversight, is occurring this academic year and has already begun;

WHEREAS, on September 23, 2024, the Senate Assembly approved a resolution calling upon the University's administration to pause the implementation of the revised *Statement*, and asking that the administration respect the collaborative role of students, staff, and faculty in formulating changes to the *Statement* through the regular amendment process;

THEREFORE, BE IT RESOLVED, that the University Senate calls upon the University's administration to pause implementation of the revised *Statement of Student Rights and Responsibilities*, and asks that the administration respect the collaborative role of students, staff, and faculty in formulating changes to this policy, following the process now under way under the leadership of the Student Relations Advisory Committee.

Approved by SACUA on October 21, 2024 for consideration by the University Senate

SACUA Approval Certified by Rebekah Modrak, SACUA Chair, Professor of Art and Design, Penny W Stamps School of Art and Design

**The University of Michigan
University Senate
Motion #11042024-2**

Motion 2: Motion on the Creation and Review of SPGs

WHEREAS, [Standard Practice Guides \(SPGs\)](#) govern the employment of staff and faculty at the University of Michigan;

WHEREAS, significant inconsistencies, typos, errors, broken links, and outdated statements can be found in some critical SPGs, e.g., [201.15](#), [201.15-01](#);

WHEREAS, the documentation surrounding the SPGs is overly opaque and highlights a confused approach to formulating and distinguishing rules, from procedures, guidelines, etc. and in some cases unethical procedures, e.g., [201.15](#) that requires any non-medically trained employee to fill a medical assessment about a fellow employee;

WHEREAS, SPGs tend to emphasize a punitive approach to employment and rely on unstated procedural steps, e.g., [201.12](#);

WHEREAS, prevalent binary assumptive language is used throughout the SPGs;

WHEREAS, language used in some SPGs discriminates on the basis of ability, e.g., [201.12](#), [201.15](#), [201.15-01](#);

WHEREAS, SPGs are generally modified without consultation of faculty or relevant groups despite U-M's own policy stated in <https://spg.umich.edu/policies/policy-development-procedures> ("Where appropriate, provide university members relevant to the policy's subject matter an opportunity to review and comment on policy before final approval");

THEREFORE, BE IT RESOLVED, that the University take immediate action to establish a committee that is composed of faculty representatives elected by the Senate Assembly, that is tasked with reviewing and modifying the SPGs, and whose rule is to ensure that the University be governed both in accordance with law and with core academic values;

BE IT FURTHER RESOLVED, that U-M and the designated faculty-led committee post all proposals for new SPGs or updates to existing SPGs in the *Record*, that the campus community be given an opportunity to provide feedback for a period of a minimum of two months, and that a summary and the process by which the comments are summarized be disclosed in the *Record*;

BE IT FURTHER RESOLVED, that U-M and the designated faculty-led committee address the problematic SPGs by focusing on clarity of rules, logically stated procedures, and emphasizing an approach based on equity and core academic values.

Movant:

Emmanuelle Marquis, Professor of Materials Science and Engineering, College of Engineering

Supporting Members:

Jordan Siegel, Professor of Strategy, Stephen M Ross School of Business

Bruno Giordani, Professor of Psychiatry, Professor of Neurology, Chief Psychologist, Medical School, Professor of Psychology, College of Literature, Science, and the Arts and Adjunct Professor of Nursing, School of Nursing

**The University of Michigan
University Senate
Motion #11042024-3**

Motion 3: Motion to Censure the University of Michigan Regents

WHEREAS, the Regents have, on multiple occasions, denied requests submitted by the Senate Advisory Committee on University Affairs (SACUA) asking that the SACUA Chair, the elected representative of the faculty of the university, be granted regular, scheduled time at Regent meetings;

WHEREAS, on July 1, 2024, the Regents quietly implemented significant changes to [SPG 601.41, "Use of University of Michigan Facilities,"](#) which affect speech on campus, while ignoring input with respect to a related draft policy that was not instated, without any further consultation with faculty, and without any other communication to the university community;

WHEREAS, on July 18, 2024, the Regents unilaterally [amended](#) the Statement of Student Rights and Responsibilities (SSRR) off-cycle, without following the Regents' own previously adopted policy, which states, "The Vice President of Student Life, Student Relations Advisory Committee (SRAC) Chair, and the CSG President may unanimously agree to have an off-cycle amendment period if necessary. The Board of Regents has provided the SRAC of the Senate Assembly with primary oversight of the review."; and in doing so made changes to the SSRR which effectively grant the Regents greater ability to apply penalties to students arbitrarily;

WHEREAS, the Regents approved a new "institutional neutrality" bylaw, ignoring the University President's and SACUA's respective requests that it be reviewed by the Senate Assembly before enactment;

WHEREAS, the Regents have fostered a climate of repression at the university, by authorizing [police violence](#) against students; the use of [chemical irritants](#) against students, faculty, and staff at protests; [hiring private security](#) which have maintained a presence on campus since the spring; increased surveillance and intimidation of students on and off campus; enlisting [Student Life staff](#) in the policing of students; and [disciplinary action](#), campus bans,

employment bans, and formal criminal charges to repress student activism and political speech on campus;

WHEREAS, the above, taken as a whole, demonstrate that the Regents have little inclination to engage in shared governance and are increasingly exhibiting authoritarian tendencies antithetical to a public university in a democratic nation;

THEREFORE, BE IT RESOLVED, that the Faculty Senate moves to censure the Regents of the University of Michigan;

BE IT FURTHER RESOLVED, that the Faculty Senate calls on the Regents of the University of Michigan to honor the principles of shared governance (as [outlined](#) by the American Association of University Professors), a first step toward which would be to meet with the Senate Assembly with regard to the above issues;

BE IT FURTHER RESOLVED, that the Faculty Senate demands, in the name of the values on which the United States and its public universities were founded, that the Regents cease the use of surveillance, policing, physical violence, and legal power as mechanisms to silence speech.

Movant:

Kentaro Toyama, W K Kellogg Professor of Community Information and Professor of Information, School of Information

Supporting Members:

Julie Boland, Professor of Linguistics, Professor of Psychology and Associate Chair, Department of Psychology, College of Literature, Science, and the Arts

Stephen Ward, Arthur F Thurnau Professor, Associate Professor of Afroamerican and African Studies, Director Academic Program, Semester in Detroit Program in the Residential College, Associate Professor in the Residential College and Associate Director of Faculty, College of Literature, Science, and the Arts

**The University of Michigan
University Senate
Motion #11042024-4**

Motion 4: Motion on Accountability for the Handling of Gender-Based Violence and Discrimination at the University

WHEREAS, the UM Equity, Civil Rights & Title IX (ECRT) Office and personnel are responsible for ensuring equal opportunity for all persons regardless of race, color, national origin, age, marital status, sex, sexual orientation, gender identity, gender expression, disability, religion, height, weight, or veteran status in employment, educational programs, and activities and admissions;¹

WHEREAS, in the University's most recently available 2021 Climate Survey,² fully 18% of students reported experiencing sex discrimination, including anti-LGBTQI+ discrimination, in the prior 12 months, and given that that the University has ~50,000 students, this means ~9,000 of them might have experienced sex discrimination in the past 12 months;³

WHEREAS, based on the same Climate Survey data, gender-based violence continues to be alarmingly common across the University community;

WHEREAS, the Anderson scandal meant that the University had potentially the largest sexual abuse scandal in the entire history of U.S. higher education based on the number of known victims for any single perpetrator and based on the number of known victims who came forward;

WHEREAS, based on the University's most recently available ECRT 2023 Report,⁴ only 10% of students who might have experience sex-based misconduct reported it to the ECRT;⁵ only 6% of reports of sex-based misconduct against a University respondent resulted in a formal investigation or restorative process;⁶ and only 14% of formal investigations resulted in a finding of responsibility at the time of the ECRT's report;⁷

WHEREAS, therefore, based on the University's ECRT's own publicly released data, there is an ongoing and systemic pattern of gender-based violence being underreported and under-investigated at the University;

THEREFORE, BE IT RESOLVED, that the University commit to immediate action to take the problem of gender-based violence far more seriously on all the essential dimensions of prevention, supports and services, training, investigatory protocols, independent audits, and accountability;⁸

BE IT FURTHER RESOLVED, that the University should introduce an independent annual audit by a reputable and highly independent third-party intermediary of how the University handles all reports of gender-based violence;

BE IT FURTHER RESOLVED, that the University issue more effective accountability measures for Title IX and other University personnel who engage in, facilitate, or cover up sex-based and other discrimination, including (but not limited to) by prohibiting them from being eligible for a promotion, teaching award, advising position, or other leadership (including executive committee positions) when:

- They are found responsible for quid pro quo sexual harassment, sexual assault, dating violence, domestic violence, stalking, or other physical violence;
- They are found responsible for covering up an incident of alleged harassment or discrimination despite being obligated to do report or address it under University policy or federal, state, or local law; or

- They oversee the hiring of a new employee, and (i) they know the new employee has previously been found responsible for harassment at another school, (ii) the new employee has not taken accountability for the previous incident, and (iii) the new employee is found responsible for harassment again at the University;

BE IT FURTHER RESOLVED, that the University should adopt [national best practices](#) to ensure that complainants are not punished for reporting harassment or discrimination, including (but not limited to) by prohibiting reporting students from being disciplined for the following conduct:

- Conduct disclosed as a result of the harassment or discrimination being reported and investigated (e.g., consensual sexual activity, drug or alcohol use, trespassing, reasonable self-defense);
- Conduct that occurs because of the harassment or discrimination (e.g., expressing trauma symptoms, class absences);
- Telling other people about the harassment or discrimination;
- Making a so-called “false” statement based solely on the University’s finding that the harassment or discrimination did not occur; or
- Conduct the University knew or should have known was alleged for the purpose of retaliation (e.g., a respondent who has been found responsible and disciplined for sexual assault then files a counter-complaint against their victim alleging the victim was the actual assailant);

BE IT FURTHER RESOLVED, that the University require all Title IX personnel to obtain rape crisis counselor certification;

BE IT FURTHER RESOLVED, that the University expand the actual use of [research-informed supportive measures](#) offered to victims and survivors within the University community, including (but not limited to):

- Issuing a one-way no-contact order (versus a mutual order) that prohibits the respondent from contacting the complainant;
- Allowing the complainant more time or a second opportunity to submit work or take an exam;
- Allowing the complainant to attend classes online or view recorded lectures;
- Adjusting the complainant’s transcript so their grades are not harmed by the harassment;

- Informing all staff who are involved in providing or enforcing a supportive measure to be informed of such measures in writing, so they can proactively implement the measure.

Movant:

Jordan Siegel, Professor of Strategy, Stephen M Ross School of Business

Supporting Members:

Bruno Giordani, Professor of Psychiatry, Professor of Neurology, Chief Psychologist, Medical School, Professor of Psychology, College of Literature, Science, and the Arts and Adjunct Professor of Nursing, School of Nursing

Emmanuelle Marquis, Professor of Materials Science and Engineering, College of Engineering

MOTION 4 NOTES

¹ <https://ecrt.umich.edu/about-us/>

² <https://bit.ly/4aBXmbo>

³ 18% * ~50,000 = ~9,000. The source of the 18% figure is the *2021 University of Michigan Student Campus Climate Report*, 50, <https://diversity.umich.edu/wp-content/uploads/2023/01/Student-Climate-Report-2021.pdf>: “approximately 18% of students in the 2021 sample reported experiencing at least one discriminatory event at U-M in the past 12 months as a result of their sex.”

⁴ *Annual Report Regarding Institutional Response to Reports of Sexual and Gender-Based Misconduct* (ECRT 2023), hereinafter “*2023 Sexual & Gender-Based Misconduct Report*,” <https://ecrt.umich.edu/wp-content/uploads/2023/10/FY23-annual-report.pdf>. The 2023 report includes reports of sexual and gender-based misconduct received “between July 1, 2022 and June 30, 2023 (FY2023).” Ibid, 5. Reports from prior years are available at <https://bit.ly/3TFBc18>.

⁵ In FY2023, “ECRT received 929 reports of possible sexual and gender-based misconduct.” *2023 Sexual & Gender-Based Misconduct Report*, 5. Given that the 2021 climate survey reveals that approximately 9,000 students experience sex discrimination annually (supra, n3), then the 929 reports received by the ECRT constitutes a reporting of about 10% of incidents.

⁶ Of the 929 reports the ECRT received in FY2023, 517 of them involved possible misconduct by students (216 reports), staff (206 reports), or faculty (95 reports). *2023 Sexual & Gender-Based Misconduct Report*, 5. In response to the reports received in FY2023, the ECRT conducted 29 investigations initiated by a formal complaint. Also, “in two matters involving student respondents, and in no matters involving employee respondents, the Complainant requested, Respondent agreed to, and Title IX Coordinator approved, the use of adaptable resolution.” Ibid, 6. Hence, 31 reports led to an investigation initiated by a formal complaint or the use of an alternative restorative process (approximately 6% of the 517 reports involving a

student, staff, or faculty respondent). Regarding the matters that *did not* result in a formal investigation or an adaptable resolution) even though the respondent was a student, staff, or faculty member, the ECRT reports various factors were involved, including (1) an inability to identify the complainant or the respondent, (2) the reported conduct was not a potential violation of the sexual and gender-based misconduct policy, (3) the complainant requested the ECRT to not open a formal process and indicated they would not participate, and (4) the complainant did not respond to the ECRT and there was insufficient information to proceed. Ibid, 5–6.

⁷ “Of the 17 investigative resolutions under the Student Procedures,” according to the ECRT, 3 were completed entirely as of data gathering for this report.” *2023 Sexual & Gender-Based Misconduct Report*, 33. Of those investigations, “1 resulted in a finding of a violation(s) of the Policy.” Ibid. “Of the 12 investigations conducted under the Employee Procedures: 6 were conducted under the Sexual and Gender-Based Misconduct Process; 6 were conducted under the Title IX Misconduct Process.” Ibid, 41. “Of the 6 investigations conducted using the Sexual and Gender-Based Misconduct Process of the Employee Procedures,” according to the ECRT, “2 have been completed with a determination regarding responsibility” by the time of the report. Of those matters, “1 resulted in a finding of at least one Policy violation or other inappropriate behavior.” Ibid, 45. “Of the 6 investigations conducted using the Title IX Misconduct Process of the Employee Procedures, the ECRT reports, “4 investigations/hearings that have been completed to a determination regarding responsibility” by the time of the report. Of those matters, “2 resulted in a finding of at least one Policy violation.” Ibid, 48. Hence, the 29 investigative resolutions (student and employee) have resulted in a total of 4 findings of violations ($4/29 = \sim 14\%$).

⁸ These recommendations have been developed in partnership with a highly reputable and independent national organization, the National Women's Law Center, <https://nwlc.org/>.