

To: SACUA

From: Janet Sybil Biermann, Chair, General Counsel's Advisory Committee (GCAC)

Subject: Report on Activities of the General Counsel's Advisory Committee (GCAC) for 2024-2025

Members:

Nancy Allee
Jason Fettig
Kirsten Herold
Aric Knuth
Yulia Sevryugina
Jamie Tappenden
Kentaro Toyama
Chris J. Walker
Judith Walker
Silke-Maria Weineck

SACUA Liaison:

Derek Peterson

Meeting Dates:

Fri. 9/27: 9am-10:30am
Fri. 11/15: 10am-11:15am
Fri. 1/17: 10am-11:15am
Fri. 3/14: 10am-11:15am

Committee Charge

1. Consider emergent issues or topics brought forward by the GCAC committee members and/or the General Counsel for discussion over the course of the year.
2. Consider continuing efforts and issues related to the [University of Michigan Principles on Diversity of Thought and Freedom of Expression](#) adopted by the Regents on January 16, 2024, including the ongoing work of the [advisory committee](#) considering how the university shall put the new statement of principles into action.
3. Inquire into the extent that changing legal considerations are impacting the university's commitment to DEI and to providing an inclusive and positive academic environment, including (1) the impact of the June 2024 Department of Education resolution [letter](#) and

[agreement](#) involving alleged incidents of harassment during the 2023-2024 school year and (2) the University's new Title VI policy.

4. Consider the university's legal posture in relation to the prosecution of student protestors and its overriding obligation to defend students' freedom of speech.
5. Consider the role of the Office of the Vice President and General Counsel throughout the faculty grievance process in representing the interests of the University to investigate potential policy violations and to ensure accountability.

Committee Actions

Building on the prior year's committee discussions on academic freedom which resulted in the Principles of Diversity of Thought and Freedom of Expression, the GCAC committee's first two meetings were conducted with sharp focus on SACUA charges #1 & 2. The committee had extensive discussion and feedback to VP Lynch on the Report of the Advisory Committee on the University of Michigan Principles on Diversity of Thought and Freedom of Expression. This committee, comprised of Faculty Senate members, faculty, and staff, had issued its report early in the Fall 2024 term. Various viewpoints from different GCAC members on the report were conveyed to VP Lynch and discussed robustly. With regard for the recommendation of "institutional neutrality," there were differing interpretations among the committee members as to whether the policy inhibited or protected faculty free speech. It was generally agreed that opportunity existed for greater clarification of the implications of the policy for internal governance and the practical implications of the policy. Follow-up discussion focused on the second Principles Subcommittee's recommendations for implementation; feedback was provided to VP Lynch on the practicability of implementing some of the proposals, and the need to identify where such efforts might be duplicative for existing university initiatives and courses. A variety of related suggestions were conveyed to VP Lynch by committee members.

Meetings in the second half of the year focused on the anticipated and realized challenges and opportunities brought by the new presidential administration. Concerns related to support of the faculty and students aligned with SACUA charges 3 & 4 were discussed in light of the changing national directives, and several suggestions were offered to VP Lynch in these areas for ways in which the administration may robustly support both faculty and students in uncertain times with a continued demonstrated commitment to University core values. Discussions in the final meeting followed on the importance of developing and maintaining collaborative work between the faculty and the administration as the University works to demonstrate value to societal stakeholders. The concerns related to administration in other fora by SACUA with regard to the grievance process and faculty input to decision making by administration were reiterated.