

Minutes November 4, 2024
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THE UNIVERSITY OF MICHIGAN

Faculty Senate

Monday, November 4, 2024, 3:15

The Hybrid meeting was held at University Hall, Ruthven, Room 2000

<https://umich.zoom.us/j/92193399745?pwd=SAakx6HhXMSqB4ThVgCyi87a2DnQUb.1>

Attendance: Total in attendance 496: 62 in-person attendees, 434 virtual attendees

Agenda Items

3:15 Come to Order, Minutes, and Announcements The minutes were approved by consent. The chair outlined the courtesy and protocol of the meeting. Our meetings are open to the public, but discussion is limited to Senate members only and they are the only ones allowed to speak.

In order for the chair to acknowledge speakers, in-person attendees should raise their hands, and virtual attendees should use the ‘raised hand’ function, to be acknowledged by the chair to speak. The online chat is disabled so that we are all engaged with the same discussion.

The agenda consists of four motions, and they will be addressed one at a time.

The sponsor of the motion will have the floor first and will have 3 minutes to speak. Any faculty member who signed up to speak for or against a motion will have 2 minutes to speak.

Afterwards, the discussion will be open to all faculty. There will be 11 minutes allotted per motion for general discussion.

The chair reminded everyone to be respectful of time and limit comments to 30 seconds.

Members may only respond once to a motion in order to give others a chance to respond to the same motion.

Those chosen for comments will alternate between in person and remote attendees. Written comments as well as audio and video responses to the motions will be accepted until tomorrow at 5:00pm.

In order to submit remarks, go to the Faculty Senate website at faculty senate.umich.edu. Click on the top of page to navigate to the Senate meeting events page, which provides the link to offer written remarks.

Voting will begin at the end of today's meeting and will be available for the next 72 hours.

The chair indicated that some faculty are afraid to vote due to fear of reprisal. Voting is anonymous. No one will know how you vote. Simply Voting comes from a reputable third-party platform in Canada.

3:20 Senate Secretary and Senate Parliamentarian

Before discussing the motions, the chair addressed the election of the Senate Parliamentarian and Secretary.

Before voting for Parliamentarian, the Chair thanked Prof. Paul Folsom from the UM Dearborn School of Education for his past three years of service as Parliamentarian. She also thanked the outgoing Secretary, Deirdre Spencer Librarian, for History of Art, University Library.

The Chair called for nominations from the floor, but despite the open calls for Secretary candidates, there were none. In light of no candidates to run for Secretary, the Chair asked if there was any objection to a Faculty Senate staff member temporarily filling the position of Secretary. There were no objections.

The Chair stated that at the beginning of winter term 2025, there would be an email inviting nominees and self-nominees for the position of Secretary. The election would occur during winter term. The Chair asked if there were any objections to having an election in winter term for Secretary. There were no objections.

The Chair stated that the Secretary attends the meetings and asked if there were any objections for reopening the Secretary search again for a term to begin in May of 2025. There were no objections.

Electronic voting begins today at 5:00 pm and will remain open for 72 hours.

3:25 Motions

The Chair stated that all four motions can be read on the Faculty Senate website, and they were included in your email packet.

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

SACUA approved this motion and the Senate Assembly approved it also. Now it is time for this body to vote on it. The question is pending in the University Senate pursuant to the Senate Assembly's action to place the matter before the University Senate.

A professor of History and African Studies in LSA sponsored the motion and spoke on its behalf. He moved for adoption of Motion 1. The Motion was seconded. In his three-minute presentation, Prof. Peterson asserted that the adoption of the changes to the Statement of Student Rights and Responsibilities (SSRR) should be paused because the statement was amended by the Regents without input from elected faculty government. It is disadvantageous to the students, making the regents and the administration judge and jury. It also has a chilling effect on student speech. Prof. Peterson provided historical context saying this version replaced the 1992 policy, which was to be enforced by students. There were twelve drafts in 1992. The policy was finally drafted and approved in November of 1992. Amendments are many from February 1999.

More recently, hasty rules were adopted this summer due to the war in Gaza. The university was seen as not being sufficiently hard on antisemitism. The SSRR revision was hasty and deputized “the university” as separate from students, faculty, and staff. Consultants were contracted to squash student protests. Armed guards and cameras appeared on the diag. Students and faculty who support Palestinians are villainized. Students come to the university to work with the faculty, not the regents. Vote Yes on Motion 1.

A Professor from the School of Dentistry serves as chair of SRAC and spoke on behalf of the motion. The revisions were made with no input from faculty or SRAC. SRAC reviews SSRR and evaluates it every three years. It was a last-minute regents’ meeting action where this decision took place. A single staff person will now hear appeals. “The university” can bring complaints against students. Faculty no longer have any input in the process. Please consider this a wake-up call. Vote Yes on Motion 1

A Professor of the History Department said that our students are deeply engaged in the learning process in and outside the classroom. They are committed to principled disputation. In their activism they have shown themselves to be what UM has asked them to be, quote “leaders and citizens who will challenge the present and enrich the future.” Rather than lifting them up in showing them how to protest, how to contest, and how to disagree, by telling them not to protest, the university is lashing out at them and seeks to codify the most punitive responses to them in the current SSRR, as exemplified by the situation of one of her honor students. Vote Yes on Motion 1

A Professor from the School of Public Health spoke against the motion. They believe in shared governance at UM, and is disappointed that changes were made to SSRR without going through established procedures. They respect the portion of the document which asks to respect the collaborative role of faculty prior to making changes to the statement. The statement is realistic and should be supported. However, they disagree with the rest of the wording calling for a pause in implementing the revised statement. The revision by the regents, even with the input of

SRAC, our governing committee, were welcomed by many, many faculty members and that's what brings them here today. The statement comes from SACUA and not from a single member outside faculty governance, has been passed by Senate Assembly and the resolution came to no meaningful results. Why would we as faculty be asked to weigh in again, to no avail? Vote No to Motion 1

The chair opened the floor to comments and discussion:

An Associate Professor in LSA who is a member of SRAC, and of the Senate Assembly. She is acting out of her deep regard that the Regents are not including faculty in their decision making, but only listening to a few faculty and students. We have also invited Regent White and President Ono to our next SRAC meeting to discuss and clarify why they made these amendments. They have received no response as yet. Vote Yes on Motion 1

An Associate professor of Political Science. He is here because the way the statement was revised didn't sit right with him. When policies are changed, they should be changed in ways that are inclusive, consultative, and follow the procedures governing those very policies, as we have heard. It sets a really troubling precedent to quietly re-write the rules, especially troubling at a time when we know that our institutions are eroding. Saying lets not try it again is not pragmatism. It is giving up your voice. We need to amplify that voice, not silence it. The previous rules did not aim to be punitive, but rather to encourage accountability and learning. They assured that a small group could not wield the university's resources and rules as weapons to punish and silence those who hold those dissenting ideas. So we need to vote yes for two reasons: 1. the voice of the faculty, the autonomy of the university, and the accountability of the institution. 2. The draconian nature of the changes has adverse effects on students and will have a chilling effect when the power is held by such a small group who engage in punitive behavior in the name of accountability, but are no longer engaged in accountability. Vote Yes on Motion 1

(There was a request to end discussion and a second. There were no objections.)

Electronic voting will begin now and be available for 72 hours.

Motion 2: The Motion on the Creation of a Committee and Review of SPGs – was moved and seconded.

Remarks will proceed for 3 minutes in favor of Motion 2.

A Professor of Material Science and Engineering speaks in favor of Motion 2.

The SPG is the repository of university wide standards and procedures. This motion urges the formation of a new committee to increase greater community involvement in the revision process, including people with disabilities on our campus.

There are problems with the current language which is old, outdated, and refers to procedures that no longer exist. Errors are found throughout. They are punitive in focus and dis-communicative in nature. One SPG involves removal of faculty for lack of ‘fitness for duty,’ but it does not explicitly provide for sufficient consideration of whether reasonable accommodations can first be provided.

The SPG’s paint a picture of administrative incompetence. 2. Moral standards are not always reflected.

There was a slide addressing lack of fitness for duty. This proposed committee would formalize expertise and community involvement

Vote yes on Motion 2

Speakers in favor of Motion 2

A professor of the Ross School, and a member of AAAC, states that SPG 201.12 “Discipline” justifies firing staff, not faculty, but exemplifies the problems with SPGs. It is a vague SPG which takes a punitive approach and does not lay out any procedures. It leaves a great deal of room for interpretation and subjectivity, resulting in unfair use and outcomes.

The policies of peer institutions such as the Univ. of Chicago, MIT and UC Berkeley appear to more clearly communicate the intent and processes involved in processing workplace concerns. An SPG committee composed of faculty and staff would be able to assess the clarity, logic, and fairness of Univ. of Michigan policies. For all of these reasons, please vote yes on Motion 2.

An Associate professor of Neurosurgery, Neurology, Anesthesiology and Biomedical Engineering in the Medical School is here to speak in support of the principles of shared governance but also in support of Motion 2. He believes that motion 2 is fundamental to these principles. The Motion calls for (1). Formal Faculty representation, engagement and review, (2). Dialog, commentary and a deliberative process of approval for proposed SPG amendments. (3). Revision of SPG’s with an eye for accuracy, clarity, logic, equity and academic values. OGC serves the administration, not the faculty. Independent-minded faculty are systematically excluded from the process. Faculty need enforceable rights, and we at the University of Michigan unfortunately do not have them. Moreover, when SPGs are violated, the university spends up to millions of dollars on outside attorneys to defend the accused administrator against the faculty who reported them. The faculty who file a grievance receive no support. In fact, the general counsel endorses this injustice, stating that administrators are employers while faculty are employees.

The Chair stated that there were no speakers against this motion so the Floor is open to discussion. She asked if anyone would like to speak.

A professor from the School of Public Health's statement is not for or against the motion but trying to get clarity from the faculty here. It would be a lot of work for faculty to review these 200 SPG's every 2-3 years. Why would there have to be a motion for all of these SPGs and how would we involve staff?

An Associate professor from the School of Social Work and Department Women and Gender Studies in Ann Arbor, attends online. She says that much of the language woven through the policies of our current SPG, for both faculty and staff are problematic. Throughout this document are myriad examples of gender binary, gender essentialist, and ableist language which should be removed in favor of more inclusive language. Flexibility and inclusion of employees with disabilities continues to be a challenge for our institution and not adding such language to our policies is unfortunate. The support for the call of an independently led, faculty and staff committee, in consultation with subject area experts would modify existing SPG policies to be more inclusive and more in line with the university's outward commitment to DEI. Vote Yes on Motion 2.

A professor from Psychiatry in the Medical School, LSA and Nursing commented that each of these SPG's follow on other SPGs. The SPG's need review. These used to be open for comment in the Record and other venues, available for faculty comments and responses. So he would like to see that again and urges us to Vote Yes on Motion 2.

An Emeritus Professor from the College of Engineering, Online – commented on one example of a flawed SPG, 601.09 A few years ago he was asked to serve on a faculty senate committee making a recommendation of a tenured removal. One of his concerns was would the university provide legal defense if he is personally sued by the individual involved. In the absence of a commitment from the administration with regard to a legal defense The administrator's verbal response was not supported by the SPG. Support for Motion 2 would help make shared governance a reality.

The Chair stated that voting for Motion 2 would be accessible for 72 hours, starting at 5pm

As we are approaching 4:10 the Chair asked if there were any objections to moving to Motion 3. There were no objections.

There will be voting on the motion for 72 hours.

Motion 3: Motion to Censure the University of Michigan Regents

The motion was placed on the agenda by a professor from the School of Information.

The professor moves to ask the Faculty Senate to approve motion 3. The motion was made and seconded.

The chair recognized the professor to open discussion and remarks for up to 3 minutes. Motion 3 seeks to censure the regents of the University of Michigan for their dramatic, authoritarian actions over the last few days. This past year the regents appear to have stopped even pretending to care about the opinions of those they oversee, not students, not staff, and not faculty, a departure from prior, more cordial relations.

As noted in the motion, they have repeatedly rebuffed faculty requests to meet with faculty, and they have undertaken a series of changes in university policies that are autocratic in nature, both in how the changes were made, and in substantive content. As such, the regents no longer follow even their own rules. By upending democratic policies and making changes to rules, as well as their refusal to follow them, is a tactic of unruly despots. You may have heard that some of these changes were made in response to a Title VI investigation by the US Department of Education, threatening federal funding for the university. There is some reason to doubt that, but it is no excuse to give the regents the right to make unilateral decisions and place us under totalitarian control.

I hope that we all believe in shared governance and that our voice and expertise as faculty should play a part in how the university is run.

He urges us all to vote yes on Motion 3.

The chair stated that we have 2 speakers signed up to speak for the motion. The chair introduced the first speaker, a professor of Afro-American and African Studies.

A Professor from the Department of Afro-American and African Studies encourages us to vote yes on Motion 3. As detailed in the motion, prior described by our previous colleague, and amplified by the discussion of motion 1, the evidence dictates a clear pattern of regental overreach. Among the multiple expressions of this, he will emphasize one. Under the guidance and direction of the regents, the university has portrayed itself as a complainant against individual students and student groups. In so doing, the university has established itself as witness, prosecutor and judge. He closes with three reasons why he supports this motion: (1). to stand up with and for our students, (2). to call out and halt erosion of shared governance and the troubling precedence it sets, (3). to stop the behavior of the regents and the precedent it sets, opening the way to further consolidation of power and stifling of speech. Vote Yes for Motion 3.

The Chair introduced the second speaker from the Department of Linguistics in LSA.

A Professor of Linguistics who is also president of the local chapter of AAUP. The recent behavior of the regents is far removed from well-established norms. Those norms were jointly put together in 1966, by three groups, the AUP representing faculty. The Association of Colleges and Universities Governing Board, the Regents, and ACE representing institutions and governing boards everywhere. Here are key points: (1). Faculty are not merely employees and regents may only rarely disregard faculty input. When they do so, they must communicate the reason to faculty. This has been disregarded repeatedly over the last year. (2). The means of faculty input must be designed by the faculty's own representatives. For us it is the Senate Assembly.

The regents did not pick from the Senate Assembly, but rather, picked their own faculty representatives. This has become common and is not shared governance.

The UM belongs to the Association of Governing Boards of colleges and universities. AGB's website advocates strongly for shared governance. Please vote Yes on Motion 3.

One speaker signed up to speak against the motion, a professor from the School of Public Health. They stated they have had personal contact with regents in the past. The faculty member stated that the current and previous chairs of SACUA had the opportunity to interact with the regents, as did the SACUA chair before that. They interacted in a collegial way and developed trust and respect. The Parliamentarian paused the speech of the professor, stating that their statements were an ad hominem attack on the current Chair. The professor verbally disagreed and said they were not focusing on the person but on the role; they were asked to speak to the amendment which they claimed they were doing. The faculty member stated that if faculty don't like what the regents are doing they should vote them out of office. Vote No on Motion 3.

Further discussion on Motion 3

A Librarian and SACUA member expressed anger and commented that no one told him to be angry. He is angry watching the regents approve police brutality against students. It is unacceptable.

A Professor of Economics- responded to the Professor of Public Health, that he was not responding to an activist SACUA chair. He has sent several open letters to the regents with no response. We may disagree on policy but there has been an abuse of process by the regents. He read from the Michigan Constitution regarding the regents. "Each board should have general supervision of the institution." Period That's it. We should begin by censoring the regents since they and the administration overrode the process.

A Professor of Comparative Literature - Online – Commented that the Chair is doing a great job. She addressed the professor from Public Health. The regents will only talk with those who know

the secret handshake, and not to faculty governance, and if the regents won't listen, why speak? She would respond by saying we should only use the tools at our disposal which are a record of censor and our collective voice of protest. We should not accept that they do not listen to us. Begin the process of unionization, so that this long period of helplessness should finally come to an end. She urges us to vote yes on Motion 3.

A Professor from the Residential College and LSA is also vice chair of AAUP. The university suspended SAFE students advocating for justice in Palestine. Student activity of SAFE was suspended for 3 years (2-4 years) which is a grossly disproportionate sanction. This is the first time an outside consulting agency was paid to move against a student organization, to move against our students using the SOAR complaint process. We should be concerned about the faculty advisors who are up against university attorneys and HR consultants. Concern for free expression at the hands of regents is bad. Vote yes on Motion 3 to stem regental overreach.

There was a motion to call the question. The motion was seconded. There were no objections to moving to Motion 4.

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

The motion was added to the agenda and introduced by a faculty member from the Ross School in support of Motion 4.

He asks that Motion 4 be adopted by the faculty. The motion was seconded, and he was recognized by the Chair to speak on behalf of Motion 4.

The Professor from Ross says that ECRT ensures equal protection, and provided statistical data from the university based on surveys. The data says that only 18% of students reported sex-based discrimination, including LGBTQ+ discrimination in the prior 12 months. Considering that the university has over 50,000 students, this means that 9k may have experienced sex discrimination in the prior 12 months. Gender-based violence continues to occur at an alarming rate here in the university. Based on recent statistics, only 10% of sexual offenses were reported to ECRT, and only 6% of reports against a university respondent resulted in an investigation by ECRT or was met with any kind of disciplinary or restorative responsibility. Also, only 14% of formal investigations resulted in a finding of responsibility at the time of ECRT's report. Therefore based on the university's ECRT's own publicly released data, there is an ongoing and systemic pattern of gender based violence being under-reported and under-investigated. We propose through this motion that the university take the issue of gender based violence far more seriously by contacting them directly and supporting this motion. Some of the recommendations are in their books but they are very rarely implemented. Of known perpetrators, very few are

investigated by ECRT. There should be immediate action to take this seriously. We ask you to vote Yes on Motion 4.

The Chair said there were 2 speakers signed up to speak in favor of Motion 4.

A Professor of Psychiatry in the Medical School, LSA, and Nursing commented that this motion really merits a yes vote. There are a number of concrete solutions and offers he would like to speak to. The motion proposes an independent annual audit, by a reputable, highly independent third party intermediary. Also, if there are already “no contact orders,” the current policy on page 46 of the PDF, uses mutual restrictions of contacts as a default. Our resolution says there are FOIA restrictions for the respondent but not the complainant, which could be in default so as to prevent harassers from weaponizing a restriction against their victim, and to prevent victims who seek help from their school from being disciplined as a result. We also recommend that all ECRT personnel receive rape crisis counseling. The motion also calls on the university to require all RMI personnel to receive rape crisis counseling and education. I strongly encourage you to vote for Motion 4.

A Professor from the College of Engineering says this motion merits a vote of yes because it offers a number of concrete solutions that are based on evidence. In our opinion, as you heard from the previous speaker, these ECRT interviews just don't go far enough. They need to be extended. There are specific measures that pertain to protection and support of complainants. For example, we know from US wide studies, there are a number of retaliations. To address this issue, we can go to the university's best practices to ensure that complainants are not punished for reporting harassment and discrimination. We should protect students from being disciplined for language associated with reporting for being disciplined. Complainants should not be punished or retaliated against for language associated with the complaint. They want complainants to have a wider variety of support. ECERT needs more people and investigators to cover the number of complaints. There is also very limited use of supportive measures, such as online classes or recorded lectures, excused absences and adjusted attendance requirements, finding alternative labs, etc. Vote yes on Motion 4.

There were no volunteers to speak against the motion so the floor opened for discussion.

An Internal Medicine Physician in the Medical School and SACUA member commented that this is a huge problem in the medical field. Unfortunately Dr. Anderson shared one of her specialties and he began abusing patients and students. In 1975 he began abusing patients and staff, but was allowed to continue to practice medicine for thirty years and was only held accountable for his crimes ten years after his death. She also pointed out that MSU's Dr. Larry Nassar's victims were not just students but patients. She added that there is lots of hierarchy

within the field of medicine. The perpetrators bring in big NIH money for the university so they are able to keep their jobs.

She recommends that we support Motion #4.

A motion was made and seconded to call the question. There was no objection to moving to the next matter.

The Chair asked if any one else would like to speak, either in the room or Zoom. There were no responses.

Voting will be open for 72 hours.

Electronic voting starts at 5:00 pm and all faculty members will receive an email with voting instructions.

The Chair asked if there were any matters arising that would like to be addressed.

4:45 Matters Arising

A Professor in the School of Music Theater and Dance, and Chair of the Committee on Oversight of Administrative Action, praised the current leadership of SACUA for having done an exceptional job calling attention to erosion of faculty rights on campus. This is not a matter of one person's activism but of critical and necessary steps. Commends Chair Modrak for her hard work

The Chair asked for other comments.

An Assistant Professor of Radiology commended SACUA and Faculty Senate for the work being done.

The chair asked if there was any further business. There was none.

The chair adjourned the meeting at 4:51pm

5:00 Adjourn 4:51pm

Respectfully submitted,

Deirdre D. Spencer
Secretary (2021-2024)

Addendum

University Senate Actions

Between regular meetings, the University Senate has performed the following actions that should be included in the University Senate minutes:

- On October 29th, the Ann Arbor members of the University Senate elected the following member to the Ann Arbor Police Department Oversight Committee for a two-year term: Kathleen Kruse, Clinical Assistant Professor of Psychiatry and Medical Director of Nyman Unit, Medical School
- On November 7, 2024, the University Senate elected the following faculty member as the Senate Parliamentarian, with a three-year term commencing on January 1, 2025: Deirdre Spencer, Librarian, Library Research, Arts and Humanities, University Library.
- On November 7, 2024, the University Senate approved the following resolutions:
 - Motion 1: Call to Pause Implementation of the Revised Statement of Student Rights and Responsibilities
 - Motion 2: Motion on the Creation and Review of SPGs
 - Motion 3: Motion to Censure the University of Michigan Regents
 - Motion 4: Motion on Accountability for the Handling of Gender-Based Violence and Discrimination at the University
- The University Senate was convened for a special meeting on April 17th (see 4/17/25 special meeting minutes) and [approved](#) on April 20th four motions, with 3088 of 7588 members voting (the largest number of voters in Faculty Senate history):
 - Motion 1: [Resolution to Establish a Mutual Defense Compact for the Universities of the Big Ten Academic Alliance in Defense of Academic Freedom, Institutional Integrity, and the Research Enterprise](#): Yes 2761 (92.8%); No 214 (7.2%); Abstain 113
 - Motion 2: [Statement in Support of the Core Mission and Values of Higher Education in the United States of America](#): Yes 2843 (95.1%); No 146 (4.9%); Abstain 99
 - Motion 3: [Resolution to continue DEI initiatives that are in alignment with our university values, an extension of the mission of our schools, and legally compliant](#): Yes 2123 (78.7%); No 574 (21.3%); Abstain 391.
 - Motion 4: [Resolution Urging the University of Michigan to Protect International Students, Faculty, and Staff from Unwarranted Detention](#): Yes 2744 (93.1%); No 203 (6.9%); Abstain 141.
- As University Senate Secretary, for a term ending on April 30, 2028, the Senate elected on March 16, 2025, the following faculty member:
 - **Rogério Pinto**, University Diversity and Social Transformation Professor, Berit Ingersoll-Dayton Collegiate Professor of Social Work, Professor of Social Work, School of Social Work, Professor of Theatre and Drama, School of Music, Theatre & Dance and Professor of Art and Design, Penny W Stamps School of Art and Design.

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 policies 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."