

Minutes of 1 June 2015 SACUA
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THE UNIVERSITY OF MICHIGAN
Senate Advisory Committee on University Affairs (SACUA)
6048 Fleming Administration Building
Ann Arbor, Michigan 48109-1340
Phone: (734) 764-0303

Present: Fagerlin, Lehman, Smith, Szymanski, Weineck (chair), Wright, Ziff, Potter

Absent: Mondro, Schultz

Guests: none

June 1, 2015, Monday, 3:15 PM
Regents Room, Fleming Building

Chair Weineck convened the meeting at 3:14 P.M. The draft agenda was approved.
3:15: The Minutes for May 24 were approved

3:16 Announcements

Chair Weineck mentioned that SACUA would like to hold a conference on faculty governance given the wide range of challenges facing higher education. She discussed issues connected with changes in the Wisconsin system including the state law stating that the Regents could dismiss tenured faculty for budgetary reasons. Professor Wright noted that the *Chronicle of Higher Education* observed that it was now open season to hire senior faculty away from Wisconsin. She noted the widespread program closures across the North Carolina System, and the Kipnis saga at Northwestern. Professor Lehman suggested that Professor Weineck could leverage the Committee on Institutional Cooperation (CIC); Chair Weineck noted that there would be advantages to involving The University of Virginia and UC Berkeley. Challenges facing institutions of higher education in the eyes of the general public were noted. Professor Lehman observed that as a public sentiment, education is seen as a private good; Professor Smith observed that there was public antipathy to academics who are regarded as a privileged class by the public. Professor Wright noted that we should think about Michigan's public peers. Professor Potter noted that the group might consist of the CIC with some peer institutions for regional balance.

3:30 Status Reports

- Meeting with the new CFO
 - Chair Weineck reported on her meeting with the new CFO, noting that it was possible to make money while investing ethically. He said that he took faculty governance seriously and had attended faculty senate meetings at Texas
- Model and unit grievance procedures and ongoing grievances

- Office for Institutional Equity procedures
- Fitness for Duty and Professional Standards for Faculty SPGs and tenure

Professor Lehman noted that the SPG on Fitness for Duty had been posted. Chair Weineck noted that we will revisit the financial issues anon.

Chair Weineck noted that the Professional Standards SPG (201.96) was poorly written and provided many examples of poor draftsmanship and reasoning. Professor Potter notes that the provision “The faculty’s privileges and protections, including tenure, rest on mutually supportive relationships between the central functions of the University and the faculty’s special professional competence, academic freedom in research, publication, teaching, service, and intra-and extramural communication. These relationships are also the sources of the professional responsibilities of faculty members” runs counter to the spirit of Bylaw 5.09 which was introduced in the wake of the dismissal of Davis, Markert and Nicholson.

Professor Smith noted that the SPG had a potentially chilling impact on academic life. Professor Wright noted that there was a problem in that units can customize SPGs and there is no central repository of local variations. Professor Smith noted that the customization of SPGs is problematic. Professor Potter noted that this is true of COI/COC policies where the unit policies are discoverable. Professor Fagerlin noted the Supreme Court decision *Elonis versus United States* issued on 6/1/2015 throwing out the conviction of a Pennsylvania man convicted for making violent threats on Facebook and said the government must do more than prove that a reasonable person would find the postings threatening; the University has no such standards implicit in this SPG. Professor Lehman noted that there is a real problem with the way the SPG has been enforced by Deans. It was generally noted that this SPG is redundant with SPG 201.12 “Discipline.” Professor Potter noted that this measure grew out of measures to limit work place bullying in connection with staff, and this has nothing to do with bullying staff.

It was agreed that Chair Weineck should produce a memo to the Provost listing problems with the SPG and ask that the SPG be suspended until a better document can be developed.

- Unit deviations from University-wide policies and procedures
- Total compensation propriety and transparency
- Administrative Services and IT Rationalization, implementation and oversight
- Unizin/Canvass, implementation and oversight

James Hilton and Laura Patterson will speak with SACUA later this summer

- Sabbatical denials

Professor Smith noted that he had issues obtaining sabbatical leave because he had been asked to arrange teaching coverage in order to obtain sabbatical that were due to him. He noted that chairs or deans had told people they did not agree with research plans for

sabbatical. Professor Lehman noted that Dean McDonald had imposed forfeits of sabbatical as punishments.

- Regents Faculty Governance Update

4:12 Executive Session (FHC Replacement; Residency Appeals; Faculty Awards; Committee assignments)

4:13 Professor Wright appointed to Faculty Hearing Committee

4:14 Professor Potter appointed to Residency Appeals

4:55 Executive Session ended

4:55 Adjournment

Respectfully submitted,

David S. Potter
Interim Senate Secretary

University of Michigan Bylaws of the Board of Regents, Sec. 5.02:

Governing Bodies in Schools and CollegesSec. 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."

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