

Minutes of 23 January 2006  
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**THE UNIVERSITY OF MICHIGAN  
SENATE ASSEMBLY MEETING  
23 JANUARY 2006**

**Present:** Abdoo, Albers, Aller, Annich, Becker, Benamou, Brock, Burant, Cebulski, Chang, Combi, Fraser, Frost, Garton, Giordani, Graham-Bermann, Gull, Hutchinson, Koopmann, Lange, Lehman, Li, Luera, Matjias, Meerkov, Neuman, Ohye, Peters, Potter, Powell, Prygoski, Quint, Schultz, Seabury, Smith, Stark, Thouless, Volling, Younker, Zorn

**Alternates:** Akingbehin (Dearborn - for Lachance), Cimprich (Nursing - for Pohl), Cowdery (Flint - for Farmer), Erickson (Dearborn - for Moran), Reynolds (Information - for Hollar), Riles (LSA-Nat Sci - for Maddock)

**Absent:** Agrawal, Ben-Shahar, Bhavnani, Brown, Carson, Dowling, Fricke, Green, Hu, Ismail, Jackson, Kim, Lemos, Liu, Ludlow, Mitani, Pritchard, Sabel, Sahiner, Sellers, Senkevitch, Smock, Stoolman, Streetman, Watkins, Younger, Ziff

**MATERIALS DISTRIBUTED**

1. Senate Assembly agenda
2. Draft minutes of the Senate Assembly meeting of 12 December 2005
3. Action Item: Resolution in response to the report of the provost's committee regarding tenure probationary period
4. Letter to J. Lehman, Senate Secretary, from the members of the executive committee of the Medical School, dated 7 December 2005, regarding the tenure clock
5. Report of the Unit Shared Governance Task Force, submitted to SACUA 19 December 2005
6. Action Item: proposed resolution for Assembly Action
7. SACUA/Senate Assembly planning schedule, updated 23 January 2006
8. Memorandum from M. Stolberg to All Michigan Coaches and Selected Media Relations, ASP and Administrative Staff Members, dated 20 January 2006, regarding NCAA academic reform and reporting; plus Academic Progress Rate Fact Sheet

The meeting was convened by the chair at 3:23 P.M. The draft agenda was approved.

**CONSIDERATION OF THE MINUTES OF DECEMBER SENATE ASSEMBLY**

The minutes of 12 December were corrected and approved.

**ANNOUNCEMENTS**

The chair announced:

1. Professors J. Lehman, L. Liu, S. Meerkov, B. Seabury, and B. Younker, and J. Zorn were elected to the 2006 SACUA nominating committee.
2. Eligibility rules for election to SACUA have been distributed by electronic mail. Nominations submitted by 1 March will permit nominees to submit statements for publication in the *University Record* prior to the election.
3. Human Resources director Laurita Thomas will be a guest at the next Assembly meeting; pharmacy benefits issues will be the subject of her presentation.

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**ACTION OF SENATE ASSEMBLY 012306-1**

Chair Giordani called attention to the Active Motion placed before the Assembly at its December meeting:

WHEREAS the Provost and Executive Vice President for Academic Affairs appointed a committee to review existing tenure policies at the University of Michigan, and

WHEREAS that committee has proposed a change to Section 5.09 of the Bylaws of the Board of Regents that would increase the maximum probationary period for tenure, and

WHEREAS the Senate Assembly together with its various committees including SACUA, AAAC, and Tenure has studied the proposals and has sought additional opinions from peers and the national AAUP;

THEREFORE, it is resolved that

1. The Senate Assembly has significant reservations about any changes to the existing Regental By-laws governing tenure.
2. The Senate Assembly asks faculty in all units to enunciate tenure policies that are fair, consistent, and that address the issues raised by the provost's committee in its report, within the framework of existing Regents' By-laws.
3. The Senate Assembly recommends that the following policies be features of the tenure policies of all units:

- (i) The expected probationary period should be limited to no more than six years in all units. Units should ensure that their methods and criteria for evaluating the excellence of candidates for tenure are consistent with a six-year probationary clock under any evolving conditions within the appropriate discipline.
  - (ii) With the concurrence of the candidate, a unit should grant an extension of up to two years to the expected probationary period for the following reasons:
    - (a) Time taken for dependent care associated with the birth or adoption of a child by the faculty member or/and partner
    - (b) Time taken for care of a partner, dependent or parent associated with extraordinary circumstances or medical needs.
    - (c) Research time lost because of a serious chronic illness
    - (d) Research time lost because of professional circumstances beyond the candidate's control
  - (iii) If the issues described in Section (ii) are of such extraordinary magnitude that an exceptional further delay in the tenure clock is merited, then with the concurrence of the candidate and the unit, and under clearly defined terms and conditions, the Provost should be asked to make a temporary appointment that will stop the tenure clock for a clearly defined period of one or more years.
  - (iv) The requirements for tenure delayed for any of the reasons stated in Sections (ii) or (iii) should be the same as the requirements for tenure after the typical expected period.
  - (v) Policies for achieving tenure before the expected period should be clearly articulated.
  - (vi) A terminal appointment of one year at equivalent rank off the "tenure-track" should be provided for any candidate who does not obtain tenure.
4. The Senate Assembly recommends that a properly representative faculty committee be appointed jointly by SACUA and the Provost's Office to make uniform recommendations about policies for joint appointments, so that faculty in joint appointments are not disadvantaged by their position. This committee should be charged to look at all issues associated with joint appointments, including, but not limited to, tenure, and to make policy recommendations to the provost and the units.

5. The Senate Assembly recommends that a properly representative faculty committee be appointed jointly by SACUA and the Provost's Office to consider the merits and implications of "part-time" tenure.

**Discussion of the Active Motion-**

Professor Abdoo reported that the School of Nursing faculty held discussions and concluded that there were great differences among units with respect to tenure processes, but that existing policy seems to provide adequate flexibility. A member of the Assembly asked whether adherence to the proposed resolution would force the Medical School and perhaps other units to reduce the effective probationary period from current practice. Professor Smith responded that SACUA's study and report about time to tenure demonstrates that most people are having a decision made within 6 years at the present time.

Professor Koopmann remarked that he spoke with Medical School associate dean David Bloom, and that Bloom acknowledged the veracity of the SACUA analysis, but explained that more people are opting to enter the clinical track because of the perceived difficulty of achieving tenure. Koopmann said that the demands on medical school faculty to perform clinical duties leaves them less time to obtain grants and write papers. He said that the administration should tell the Assembly if the changing expectations can be handled under the current system, and that faculty deserve an answer.

Professor Smith responded that people transfer to the clinical track in medical school because they are encouraged to leave the tenure track. Professor Koopmann added that the decision about which track will be pursued typically has to be made within the first two or three years of an appointment. Professor Thouless remarked that by awarding tenure a faculty acknowledges that the tenured members have established that they are performing at the level that is expected for long term membership in the unit. He suggested that what needs closer inspection is the expectations and criteria being used by the tenure and promotion committees.

Professor Abdoo stated that Nursing faces a similar dilemma. She said that even if the unit recognizes clinical duties as part of the promotion packet, there have been instances where the cases were turned down at the provost level because of perceived deficiencies in research and publications. Professor Zorn suggested that different rules may be needed for the medical school. Professor Koopmann said that the Tenure Committee offered a practical solution some years ago. The committee recommended that the chair and unit put in writing what the expectations are for the faculty member at the time of hire. Any subsequent changes to those expectations should also be in writing.

Vote on the Active Motion:

Number Approving-39

Number Disapproving-1

Number Abstaining-1

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**REPORT FROM UNIT SHARED GOVERNANCE TASK FORCE**

Professor Meerkov, chair of the USGTF, rose to the podium at 3:55 P.M. He reviewed the formation, activities, and recommendations of the task force, in close parallel to distributed item 5. He noted that there have been 10 cases in recent history in which top candidates were not appointed to executive committees. Of these, no reason was provided in 3 cases. He noted further that deans of some units do not permit executive committee faculty to participate in all areas of governance specified in Regents' Bylaw Sec. 5.06. Meerkov explained that research into the so-called "Rule of Two" for executive committee appointments appears to date to at least 1972 when a provost asked units to provide twice as many names for appointment to executive committees as there were available seats. Subsequently, D. Sharporn from the Office of General Counsel declared it to be a "common law rule" though it has no standing within the Regents' Bylaws. Meerkov said that the current provost has said that he would favor continuing the "Rule of Two" and that he would support the recommendation expanding realized participation of executive committees to the governance areas specified in the Regents' Bylaws. He completed his report at 4:05 P.M.

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**ACTION OF SENATE ASSEMBLY 012306-2**

Professor Stark introduced the following resolution, seconded by Professor Meerkov:

WHEREAS the Senate Assembly commends the Unit Shared Governance Task Force (USGTF) for its thoughtful work;

WHEREAS the Senate Assembly wishes to strengthen the role of faculty governance;

THEREFORE, the Senate Assembly resolves:

The Senate Assembly adopts the recommendations of the USGTF Report with the following modifications:

1. Instead of model F2, the Assembly adopts model F1 of unit Executive Committee formation, which reads:

"The names of the eligible candidate with the largest number of votes is to be submitted to the Provost for subsequent Regental approval."

2. Amend model I2 of the unit Executive Committees issues of involvement as indicated below in bold:

Differentiate the depth in the issues of Executive Committee participation, as follows:

- Tenure and promotion: Maintain the existing practice, i.e., ECs must vote and decide for or against each particular case.
- Administrative **and other** appointments: EC should give its consent for all **academic** administrative appointments in the units, **composition of search committees leading to these appointments, and to chair professorship nominations.**
- Budget: EC should be given all necessary information to provide oversight of the budget, including merit raises.

### **Discussion of the Active Motion-**

Professor Koopmann voiced support for the resolution. He said that faculty deserve to be heard, and that democratic principles need to be observed. Professor Riles said that he favored the resolution, as well. He said that if faculty want to place a check on a dean's power, they should have that ability. He added that if the main argument in support of the "Rule of Two" was that the administration would ignore recommendations from faculty governance, that in itself was a commentary on the state of faculty governance. Professor Stark remarked that the administration has plenty of say in unit management, but that this is one place where faculty can have a voice.

Professor Thouless commented that it was ironic that if a unit decides not to have an executive committee, the collective faculty are entitled to have a say on all matters specified by Regents' Bylaw 5.06, but oddly, if a unit has an executive committee, the faculty lose their authority.

Professor Schultz said that he had been a member of the USGTF. He said that executive committee authority comes through administrative channels. He said he recognizes a disparity in the fact that executive committee members are nominated by the administration but they are supposed to represent the faculty. Nonetheless, he said, the word "executive" implies there is power given to it. He said that the "Rule of Two" with summary reporting of the selection process seemed like a reasonable compromise. He added that he approved of faculty having a voice in the nomination of candidates. He predicted that the proposed resolution favoring F1 would be ignored by the administration.

Professor Younker stated that she supported Professor Schultz's comments. She said that in some units, nominations do come from the faculty.

Professor Abdo reported that in the School of Nursing, the names of the two top vote-getters are passed to the provost. She said that there has been a problem with people running for office who are planning to go on sabbatical. Professor Meerkov responded that such eventualities were addressed in the resolution through language stating that the candidates must be eligible to serve in office.

A member of the Assembly asked whether requests under the Freedom of Information Act would truly be blocked if the "Rule of Two" were codified. Professor Stark replied that experience has shown that the reasons for selection of a candidate under the existing practices will not be released by the administration through FOIA without court action.

Professor Peters declared that she came from a country with strong democratic traditions, and that she finds it astounding that the proposed resolution would not be supported. Why weaken ourselves from the beginning, she asked.

Professor Powell stated that he served on the USGTF and had supported the "Rule of Two" because he had polled members of his faculty and learned that they favored it as a way to assure diversity on executive committees. He averred that hearing the debate he was now persuaded that F1 is the correct choice, and that he supports the resolution.

Vote on the Active Motion:

Number Approving-35

Number Disapproving- 5

Number Abstaining-2

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## **VISIT OF ATHLETIC DIRECTOR**

Chair Giordani introduced Athletic Director Martin at 4:33 P.M. Martin reported that he had originally accepted appointment to his current position by President Bollinger for a term of "about 6 months". He explained that he inherited a program with problems traceable to scandal over the "Fab 5", morale, and facilities. He reported that graduation rates for student athletes have increased during his tenure, and that by comparison with other NCAA programs, the U-M looks "fine" on graduation rates, but that there is still room for improvement.

The Athletic Director called attention to distributed item 8, which he said provided a wealth of information about academic performance of athletes at the U-M. He said that the challenges to athletics are no longer financial at the U-M because the program's economic model is stable to positive. He added that he was planning to pay back the 3 million dollars that former president Bollinger had provided to the Athletic Department when the Nike deal collapsed.

He reviewed recent, ongoing, and planning activities including the new academic center and possible renovation of Michigan Stadium. He invited faculty to use the academic center for teaching.

The athletic director made an appeal for granting student athletes priority for class registration, saying that their practice schedules create a hardship. Professor Koopmann echoed that appeal, stating that the athletes are often at the bottom of the

priority list owing to their credit hour ranking within the academic year. Koopmann added that student athletes need to be granted some latitude from instructors if they must miss class to travel.

The athletic director reported that the U-M did not support the idea of adding a twelfth game to the football schedule, but that they ended up being the only school that opposed it. In response, the U-M added Vanderbilt for the 12<sup>th</sup> game owing to the strong academic tradition of that school.

A member of the Assembly asked about property rights to the Block M. AD Martin confirmed that the athletic department did indeed own it and received royalties by licensing it. He added that the department gives the right for the university to use it generally. He pointed out that the U-M is the only school in the country that does not put signs in Michigan Stadium, at a cost to potential revenue of 4 to 5 million dollars per year.

Professor Meerkov inquired whether there was any official document that a student can present to demonstrate they are members of an athletic group, and suggested that the Assembly might wish to entertain a motion asking faculty to honor override requests from student athletes. Professor Koopmann responded that there is a letter the students are supposed to take to their professors, and that the students should be providing the dates of absence well in advance.

Professor Giordani asked how the athletic department proceeds with facility improvements. The athletic director replied that the it seeks donations sufficient for the project before it proceeds.

Professor Riles asked whether the athletic department seeks background information that might forecast problems with student athletes before they are recruited.. The athletic director replied that his department does research not just on potential athletes, but on potential coaches as well. He cited an example whereby an associate at J.P. Morgan provided background checks on 8 candidates for a coaching position. A member of the Assembly urged caution, citing a growing perception that many firms like ChoicePoint invade privacy, and also produce false indications of concern.

Professor Abdoo requested statistics on how many people did not renew their reserved seats for football games. AD Martin replied that the long term baseline has been 2.5 to 3 percent. He added that with the imposition of personal seat donations, the rate of nonrenewal climbed by about 0.5 %. He said that the donations provide a financial cushion such that ticket prices do not need to increase this year.

Martin invited faculty to call him anytime, and added that he would welcome invitations to attend classes. Further, he extended an invitation to faculty to attend practice sessions. He noted that the newly constructed concourse linking Crisler Arena and Michigan Stadium holds up to 500 people, and that faculty are invited to use it.



The athletic director's report concluded at 5:10 P.M.

**OLD/NEW BUSINESS**

There was no additional business

The meeting was adjourned at 5:10 P.M.

Respectfully submitted,

John T. Lehman  
Senate Secretary

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

*Governing Bodies in Schools and Colleges*

In each school, college, or degree granting division of the University, including those at the University of Michigan-Dearborn and at the University of Michigan-Flint, the governing faculty shall be in charge of the affairs of the school, college, or division, except as delegated to the executive committee, if any, and except that in the School of Graduate Studies the governing board shall be the executive board, and in the Medical School shall be the executive faculty.

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