

Minutes of 25 January 2010
Circulated 26 January 2010
Re-Circulated 22 February 2010
Approved 22 February 2010

THE UNIVERSITY OF MICHIGAN
SENATE ASSEMBLY MEETING
25 JANUARY 2010

Present: Abdo, Adlerstein-Gonzalez, Andjelkovic-Zochowska, Aronoff, Barber, Bergin, Bielinska, Borer, Carson, Davis, Denver, Dorsey, Fraser, Frost, Gest, Green, Hirshorn, Holland, Johnson, Karni, Kearfott, King, Lehman, Lenk, Li, Lim, Millunchick, Norton, Ottaviani, Poe, Prygoski, Reddy, Rothman, Sampson, Sharma, Sheets, Shore, Smith, Soellner, Sohn, Sun, Thouless (Chair), Trandafirescu, Williams, Wolfe, Zemgulys, Ziff

Requested Alternate, None Available: Geary (Music), Giordani (Medicine), Kurashige (LSA), Larsen (LSA), Queen (LSA)

Alternates: Chen (Ferris-Kinesiology), Hardin (Nassauer-SNRE), Mansfield (Thompson-Engineering), Pandey (Maher-Medicine), Tolman (Staller-Social Work)

Absent: Andre, Brown, Friesen-Lynn, Horwitz, Jackson, Jagadish, Kabamba, Koopman, Mars, Miller, Mueggler, Najita, Navvab, Ortega, Patil, Salesa, Silverman, Staller, Stark, Sweeney, Yang

MATERIALS DISTRIBUTED

1. Draft Senate Assembly Agenda
2. Draft minutes of the Senate Assembly meeting of 21 December 2009
3. [Statement on Academic Freedom](http://www.umich.edu/~sacua/SenAssb/01-13-10academicfreedom.pdf), dated 13 January 2010 (electronic document <http://www.umich.edu/~sacua/SenAssb/01-13-10academicfreedom.pdf>).
4. Organization chart for the Office of the Vice President and General Counsel

Chair Thouless convened the meeting at 3:15 P.M. The proposed agenda was approved.

CONSIDERATION OF MINUTES

The minutes of the Senate Assembly meeting of 21 December 2009 meeting were corrected and approved.

ANNOUNCEMENTS

1. The 2010 Academic Freedom Lecture (AFL) will be presented on 11 October by Professor Michael A. Olivas, William B. Bates Distinguished Chair in Law and Director of the Institute for Higher Education Law and Governance at the University of Houston Law Center.
2. An anonymous donor has provided \$110,000 to support the AFL series.
3. Professor Tzeng has resigned from SACUA. Following precedent and protocol, SACUA recommends that the Assembly ratify Professor Stephen Lusmann from the School of

Music as her replacement. He was runner-up to Professor Tzeng in the 2009 SACUA election.

NEW MEMBER OF SACUA

The Senate Assembly ratified the selection of Professor Lusmann by vote with no objections or abstentions of record. His term will extend to 2012.

SACUA NOMINATING COMMITTEE

Ballots were distributed by SACUA staff at 3:20 P.M. Marked ballots were collected by the staff by 3:25 P.M. The chair subsequently announced that the tellers reported the following candidates had been elected by ballot: Professors Fraser, Thouless, Koopman, Ziff, and Sweeney. Owing to a tie vote for the sixth place candidate, the chair reported that he cast a deciding vote for Professor Lim to provide broader unit representation on the committee.

VISIT OF VICE PRESIDENT FOR COMMUNICATION

The chair introduced vice president David R. Lampe at 3:26 P.M. The vice president described the activities of his office with the help of a PowerPoint presentation. He concluded his prepared remarks at 3:55 P.M. and invited questions. Professor Abdo asked whether the vice president's office monitors blogs about the U-M. The vice president replied that his office spends considerable amounts of time monitoring blogs, but that it is impossible to be complete. A member of the Assembly asked the vice president to comment on the demise of the Ann Arbor News. The vice president replied that there are still a variety of news outlets.

Professor Poe asked whether webcasts and lectures are available for free. Vice President Lampe replied that it was a topic of great interest, and that a lot of progress has been made recently bringing materials to the U-M website for public access. He added that his office is leveraging a lot of its information and materials, including lectures, across new media outlets.

The vice president explained that he has a faculty advisory committee appointed by the Senate Assembly, but that most of the goals for his office are set by the president, deans, and other executive officers.

The guest left the meeting at 4:00 P.M.

VISIT OF VICE PRESIDENT AND GENERAL COUNSEL

The chair introduced vice president and general counsel Suellyn Scarnecchia at 4:00 P.M. She explained that her office regards its client to be "the university," which may be the president, other officers, or individual faculty depending on the circumstances. She reviewed the structure of her office by reference to distributed item 4. She said that whereas the U-M has been monitoring the Google electronic books settlement talks with interest, it is not party to the settlement agreement. Instead, it is negotiating a contract with Google, but conditions are strongly affected by the settlement talks. She added that her office has been charged with developing a comprehensive compliance plan for the campus to make sure that different parts of the university are following the law. She concluded her prepared remarks at 4:14 P.M.

General counsel Scarnecchia stated that her office serves not only Ann Arbor, but also the Dearborn and Flint campuses. She said that her office typically helps faculty develop license agreements regarding technology transfer. She said that the OGC typically represents faculty in litigation as long as the faculty members' interests are aligned with "university" interests.

Professor Frost asked whether the OGC serves faculty in the performance of their professional duties. The vice president replied that, in general, it was the case, but that exceptions occur, especially if the issues trace to activities outside the U-M or to their activities before they joined the U-M.

The vice president explained that the U-M has its own in-house insurance called Veritas, and the system is funded internally by contributions from the various units. Not counting malpractice or settlements, the U-M spends about \$2 million per year on outside counsel. She added that a monthly litigation report is published each month with the Regents' agenda.

The vice president elaborated the outcome of litigation in a recent case in which a former dental school student sued for dismissal from the academic program. The student won a jury trial, but the U-M appealed the case, and eventually settled the case. In response, reviews have been initiated of policies and procedures in different units.

Professor Poe asked whether there has been any consideration of a campus-wide honor code. The vice president replied that the topic would have to be initiated by faculty or student groups.

The guest left the meeting at 4:35 P.M.

ACADEMIC FREEDOM STATEMENT

Chair Thouless introduced a motion by SACUA asking the Assembly to adopt the statement on Academic Freedom (distributed item 3) that the Assembly discussed at its 21 December 2009 meeting.

ACTION OF SENATE ASSEMBLY 102510-1

RESOLVED, that Senate Assembly, on behalf of the University of Michigan Faculty Senate, adopts the distributed statement on academic freedom.

The action was passed by unanimous vote, with no objections and 4 abstentions of record.

OLD/NEW BUSINESS

There was no additional business.

The meeting was adjourned at 4:40 P.M.

Respectfully submitted

John T. Lehman
Senate Secretary

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.
