

Minutes of October 1, 2012
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MINUTES OF THE SACUA MEETING OF OCTOBER 1, 2012

Present: K. Barald, R. Holland, K. Kearfott (Chair), C. Koopmann, F. Larsen, J. Lehman (Senate Secretary), S. Masten, S. Oey, K. Staller (Vice Chair), R. Ziff, L. Carr, T. Schneider

Absent:

Guests: Bruce Frier, Professor of Law and Classical Studies; Jeff Frumkin, Associate Vice Provost for Academic and Faculty Affairs and Senior Director Academic Human Resources; David Potter, Professor of Greek and Latin; and Chris Whitman, Vice Provost for Academic and Faculty Affairs

Press: University Record – Jamie Isler

MATERIALS DISTRIBUTED

Draft SACUA agenda for October 1, 2012

SACUA minutes of September 17, 2012

Model Faculty Grievance Procedure Matrix, dated October 1, 2012

Print-out of website – Vice President and General Counsel Search Advisory Committee

SPG 201.13 – Rules Concerning Regents' Bylaw 5.09, Tenure, Tenure Review, and Joint and Partial Tenure Appointments - (recently revised)

SPG 201.30-2 Regular Instructional Faculty (Professorial Ranks Only) - (recently revised)

SPG 201.92 – Tenure Probationary Period: Effects on Tenure Clock of Childbearing and Dependent Care Responsibilities – (recently revised)

The meeting was convened by Chair Kearfott at 3:15 PM.

CONSIDERATION OF AGENDA AND MINUTES

The agenda and minutes from the September 17, 2012 were approved.

ANNOUNCEMENTS

There were no announcements.

ARRIVAL OF GUESTS

Bruce Frier and David Potter arrived.

EXECUTIVE SESSION

SACUA entered executive session at 3:20 pm to discuss personnel matters.

SACUA exited executive session at 3:45.

Bruce Frier left the meeting.

ARRIVAL OF GUESTS

Jeff Frumkin and Chris Whitman arrived. J. Frumkin began to discuss the adoption of the Model Grievance Procedure by unit. He stated that there have been several active grievance cases. Chair Kearfott handed out the matrix (distributed item #3) showing each unit, the status of the adoption of the model grievance policy and the names of the external and internal members of the unit's Grievance Hearing Board (GHB). Some units have a deviation from the model. The names of the external and internal GHB members need to be obtained and updated. The GHB must be determined as outlined in the model policy. SACUA has some concern about the implementation and deviation of the model policy.

K. Staller, the SACUA Grievance Monitor, reviewed Section 3.04 of the Model Policy that states that "the grievant shall have 15 working days to appeal this decision to SACUA". SACUA has a pivotal but undefined role according to this section.

Section 5.05 states that "The ... (FGM) is a tenured faculty member who is appointed annually by SACUA". Currently the FGM is the vice-chair. It also states that there should be training of the Faculty Grievance Hearing Panel members. Who should train them? What should the training consist of? Should they be trained on all 21 policies of the 21 different units? External members would be trained, while internal members would be untrained. Instead of training on all policies, train individuals on the unit's policy when chosen for a particular panel. What is the legal risk to the University if there are 21 different policies?

SACUA asked why doesn't the University have a standard policy. C. Whitman responded that the University has a policy of having faculty in individual units decide. The intent of the model policy was to have faculty vote on the grievance policy. Some panel members were elected by the executive committee only. Some panel members were appointed by the dean; faculty never voted. The grievance procedure is designed to deal with matters within a unit.

SACUA raised the question: what happens to jointly-appointed faculty who have a grievance regarding the adjudication of duties? According to C. Whitman, it would be difficult to grieve with a variety of policies. Hopefully, this won't happen since the University discourages untenured faculty from taking joint appointments.

The issue of posting GSRA positions in the University's job posting system was raised. Putting GSRA positions in the same category as staff and faculty is a fundamental change in categorizing students. According to J. Frumkin, what appears to be a posting is actually an announcement of appointment.

C. Whitman, J. Frumkin and Glenda Haskell (before her retirement last year) went through all of the SPG's to eliminate redundancies. They combined four SPG's into one – SPG 201.

When the 5.09 was changed to expand the tenure clock to ten years, there was a discussion with SACUA and individuals regarding issues of transparency and potential problems. Provost Hanlon appointed an advisory committee with Abby Stewart as the chair. The committee developed items:

Suggestions on how the process should be monitored
Procedures to be followed, to assure transparency within unit. C. Whitman was asked if there was a report by advisory committee. She will follow up and investigate. The decision making process regarding tenure was decided by Provost. Each unit must have written procedures and state if there is an early or a late tenure possibility.

SPG 201.13 reads that procedures to be followed were clarified. Schools that have a longer tenure clock have to do probationary reviews within four years, usually at the three-year mark. This is mandatory. With an eight-ten year tenure period, unit must do two reviews. Policies for tenure must be written and posted on unit's website.

There was a discussion regarding due process and the fact that "principles of academic freedom" were undefined to allow open discussion. Currently the Provost requires all negative decisions (persons' cases in which an appointment is terminated) to be sent to him. It was suggested that all tenure recommendations by the departments be sent to the school and the Provost. The questions was asked by SACUA: Who reports to the candidate when school is finished with process was defined? C. Whitman stated that the school must report if positive and if negative decision is upheld by Provost.

The practice of switching tracks in the Medical School was discussed. Under Provost Cantor, any track switch must be approved by the Provost. Tenure to clinical track switch at the end of the tenure period is not allowed by the Provost. But that doesn't stop an individual from quitting and then being re-hired in the clinical track.

UNFINISHED BUSINESS

There was no unfinished business.

The meeting adjourned at 5:00 PM.

Respectfully submitted,

Linda Carr
SACUA Office Staff

Board of Regents of the University of Michigan Bylaws *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 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.”