

Minutes of 27 October 2014 SACUA
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THE UNIVERSITY OF MICHIGAN
Senate Advisory Committee on University Affairs (SACUA)
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Present: Holland, Lehman, Masten (chair), Mondro, Oey, Schultz, Smith, Ziff; Schneider, Snyder

Absent: Weineck

Guests: *Daily* reporter, *Record* reporter, *MLive.com* reporter, J. Weiss (office of provost)

MATERIALS DISTRIBUTED

1. Draft agenda
2. Draft minutes of 6 October 2014 SACUA
3. Advisory Board on Intercollegiate Athletics Confidentiality Policy Statement
4. Electronic mail message from K. Cunningham to S. Masten, dated 14 October 2014, regarding ADA and Fitness for Duty.
5. Standard Practice Guide (SPG) 201.15 Fitness for Duty, dated 30 December 2004
6. The University of Michigan Faculty Handbook. 6.L Termination for Cause, undated.
7. SPG 201.96 Professional Standards for Faculty, dated 8 November 2013.
8. DRAFT Report to the University of Michigan Regents from the Committee on the Economic Status of the Faculty (CESF), November 20, 2014.

Chair Masten convened the meeting at 3:15 P.M. The draft agenda was approved.

CONSIDERATION OF MINUTES

The minutes of 6 October 2014 were approved.

ANNOUNCEMENTS

1. The chair and vice-chair met with the president in a regularly scheduled private meeting on 8 October. They provided him with an overview of faculty governance activities and SACUA plans for the year, including a review of SACUA's list of ongoing agenda topics. They also discussed the ABIA confidentiality agreement and talked in general terms about athletics policy. They characterized it as a good meeting, at which the president was receptive, interactive, and offered to be helpful if needed. He recognized the challenges of working in a highly decentralized institution.
2. SACUA meets with the provost next week and with the president the following week.

3. The Academic Freedom Lecture will be delivered Thursday, 6 November at 4 P.M.
4. The SACUA chair and vice-chair and the Ad Hoc Committee on Committees met with nine Assembly committee chairs on 16 October. They discussed committee reporting lines; committees report to Senate Assembly, but SACUA is charged with supervising the Assembly committees. Discussion also included best practices, agendas, scheduling, Senate Office support, communication, charges, and autonomy.
5. Professor Kearfott declined SACUA's offer to have her serve as interim senate secretary.

STATUS REPORTS

Model and Unit Grievance Procedures-
Deferred to later in the agenda.

Office of Institutional Equity Procedures-
Director of Academic Human Resources Jeffrey Frumkin and Director of Institutional Equity Anthony Walesby have so far declined to meet with the Faculty Hearing Committee (FHC) to discuss policies and procedures applied in the first two cases assigned to the FHC by SACUA. The FHC has renewed its invitation. There may have been a misunderstanding about the substance of the request. Chair Masten has discussed the FHC request with General Counsel Tim Lynch.

Ongoing grievances and Faculty Hearing Committee inquiries-
Deferred to executive session.

Fitness for Duty and Professional Standards for Faculty SPGs and Tenure-
Deferred to later in the agenda.

Unit deviations from University-wide policies and procedures-
Deferred to later in the agenda.

Total Compensation Propriety and Transparency-
The provost reported to Chair Masten that the administration is working on formats for compensation reporting that is more detailed than at present. The proposed format will be brought to SACUA for consultation.

Administrative Services and IT Rationalization, Implementation and Oversight
No new developments.

Senate Rules Amendments

The rules committee met and discussed issues surrounding recent inability to achieve quorum at meetings of the University Senate.

ABIA Confidentiality Agreement-
Deferred to later in the agenda.

LSA GRIEVANCE PROCEDURE

Professor Oey said that she and Professor Weineck met with the LSA dean to discuss the fact that the LSA grievance policy is out of conformance with the model generally adopted by the other schools and colleges. The dean invited SACUA to send a written memo stating the case and proposing reconsideration of LSA grievance procedures. Any change in grievance policy would need approval by college faculty. One possibility is to take a proposal to the LSA executive committee; alternatively, the proposal could be brought directly to an LSA faculty meeting. Professor Oey asked that further discussion be postponed until Professor Weineck was in attendance. Chair Masten noted that the faculty have plenary authority in such matters according to Regents' bylaw.

ABIA CONFIDENTIALITY AGREEMENT

Chair Masten called attention to distributed item 3. SACUA members engaged in a general discussion of the document's language and the extent of legitimate confidential information. With references to scandals at Penn State and the University of North Carolina, concern was expressed that overly liberal extension of confidentiality to all athletic matters could have the effect of inhibiting timely and effective disclosure of improper behavior. Moreover, by enjoining ABIA members from reporting concerns to anyone but the university president, the civil rights of whistleblowers might be abridged. Chair Masten suggested that SACUA develop alternative language that is not so overly broad, and he offered to prepare a draft. Professor Lehman pointed out that any such document proposed by SACUA, as opposed to the administration, could become a precedent endorsed by faculty governance for limiting information to our constituents, which certainly should not be our intention. He suggested that, to the extent there are any limitations on disclosure of information, the document should be brought to the Senate Assembly for discussion and approval.

FITNESS FOR DUTY AND PROFESSIONAL STANDARDS FOR FACULTY SPGs

SACUA has received a response from the office of the provost (distributed item 4) that explains that the Americans with Disabilities Act precludes the university from asking if individuals have physical or mental limitations. This fact appears to conflict with SACUA's insistence that any declaration that faculty are unfit for duty must be based on objective evidence of physical or mental incapacity. Chair Masten has referred the matter to a Law School professor who is an expert on disability law. SACUA will await his report. The chair said that one possibility might be to adopt AAUP policy and construct an alternative to Regents' Bylaw 5.09 that could apply only in cases where a faculty member has voluntarily disclosed a medical condition.

Professor Smith said that he developed a revision of Pharmacy's professional standards policy that incorporated language from the UM Faculty Handbook (distributed item 6). He stated that the previous dean of Pharmacy informed faculty publicly that college policy has been used to reduce faculty salaries in Pharmacy without recourse to Regents' Bylaw 5.09, and that a tenured faculty colleague confirmed to Professor Smith that he had received such a salary reduction. He asked that SACUA request clarification from the provost about the legitimacy of any such policy that reduces salary compensation or demotes tenured faculty without invoking the provisions of RB 5.09.

NEWSLETTER UPDATE

Technical issues have been resolved, and Ms. Snyder in the Senate Office has developed a format that can be viewed on multiple platforms. Professor Oey said that she has proposed a series of content topics and suggested that they be transmitted as soon as possible. Chair Masten pointed out that there is a remaining question about how much text should be included in the newsletter as opposed to links to content. He expressed concerns about accuracy of advisory statements, and the need for review and attribution.

COMMITTEE LIAISON UPDATES

CESF (Professors Holland and Masten)- A draft report to the Regents has been written (distributed item 8). Professor Jeffrey Smith, a labor economist, is a new member of the committee. Professors Courant and Smith conducted an analysis of salary structure in the Medical School that was based on observables and which was used by administration to identify inequities ([http://www-personal.umich.edu/~econjeff/Papers/Courant%20and%20Smith%20\(2012\)%20Medical%20School%20Salary%20Study.pdf](http://www-personal.umich.edu/~econjeff/Papers/Courant%20and%20Smith%20(2012)%20Medical%20School%20Salary%20Study.pdf)).

PACBA- (Professor Schultz)- The committee met once. It discussed student enrollment, MOOCs, and its continued relevance.

UNFINISHED BUSINESS

There was no unfinished business.

EXECUTIVE SESSION

The meeting entered executive session at 4:48 P.M. Discussion topics included the position of interim Senate Secretary, the Committee on University Values, the draft CESF report, and an update from the Faculty Hearing Committee.

The meeting was adjourned at 5:07 P.M.

Respectfully submitted,

John T. Lehman
Interim Senate Secretary

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."

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