

Minutes of 7 Nov 2011
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THE UNIVERSITY OF MICHIGAN
Senate Advisory Committee on University Affairs
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MINUTES OF THE SACUA MEETING OF 7 NOVEMBER 2011

Present: Goldman, Kearfott (chair), Koopmann, Larsen, Lehman, Lusmann, Rothman, Staller; Schneider

Absent: Barald

Guests: D. Potter (SRAC chair), *Daily* reporter, *University Record* reporter, C. Whitman (office of provost)

Materials Distributed

1. Draft agenda
2. Draft minutes of the 31 October 2011 meeting of SACUA
3. Draft minutes of the 10 October 2011 meeting of SACUA
4. Draft minutes of the 10 October 2011 meeting of SACUA annotated by the provost
5. Dear Colleague Letter from the U.S. Department of Education, dated 4 April 2011
6. Experts are Skeptical of Legal Impact of Releasing Brown U. Donor's Documents, by C. Eaton. *The Chronicle of Higher Education*, dated 12 October 2011.
7. Brown U. is ordered to hand over donor records to lawyers of former student accused of rape, by B. Gose. *The Chronicle of Higher Education*, dated 11 October 2011.
8. Report of the Advisory Task Force on Faculty Involvement in Health Plan Incentives, undated.
9. Email message from J. Wilgus to J. Wilgus, dated 4 October 2011, regarding Revised process for addressing allegations of sexual misconduct among students, with attachments.
10. Statement of student rights & responsibilities, University of Michigan, effective 1 July 2010.

The meeting was convened by Chair Kearfott at 3:16 P.M.

CONSIDERATION OF MINUTES

The minutes of 31 Oct 2011 were approved.

The minutes of 10 Oct 2011 were reconsidered and amended with changes submitted by the provost regarding the content of his meeting with SACUA.

ANNOUNCEMENTS

1. K. Barald will address the Regents at their November meeting. SACUA is invited to a reception with the Regents following the meeting.
2. L. Thomas will attend the next meeting of SACUA.

VISIT OF STUDENT RELATIONS ADVISORY COMMITTEE CHAIR

Professor Potter joined the meeting at 3:23 P.M. He called attention to distributed item 4 and explained that the letter addresses changes in the standard of proof in sexual misconduct cases involving students as well as procedures in the case of reluctant witnesses. He said that at present cases are not investigated if witnesses express reluctance. Professor Koopmann said that in the past SRAC had strongly opposed weakening the standard of proof, but that federal directive now appears to require "preponderance of evidence" rather than "clear and convincing evidence."

Professor Potter pointed out that new federal regulations were likely to require increased activity by the appeals board, and therefore an increased need for training and experience. He urged SACUA to establish a suitable mechanism to track complaints and their fates. SACUA members discussed the pros and cons of different appeal models. Professor Kearfott said that she would consult with SACUA chair Barald and seek to develop a proposal to SACUA about identifying faculty membership for the appeals board. Professor Koopmann expressed his opinion that any such faculty members should be completely independent of the original decision-making bodies.

The guest left the meeting at 4:05 P.M.

HEALTH PLAN INCENTIVES TASK FORCE

SACUA turned to distributed item 8 and to the Senate Assembly's charge that SACUA develop an implementation proposal. Professor Koopmann reviewed the activities of the task force. SACUA members reviewed the principles expressed in the report. Professor Lusmann recommended that SACUA ask Laurita Thomas their questions about the Member Engagement Health Plan Committee Report.

ACTION OF SACUA 110711-1

Professor Rothman moved the addition of a recommendation number 12:

12. The cost of engagement in non university facilities should be covered in part for those participating in a specified level of engagement.

The action was approved without dissent.

SACUA then acted as Committee of the Whole to renumber the order of Principles and Recommendations in the report.

ACTION OF SACUA 110711-2

Professor Rothman moved (multiple seconds):

SACUA approves the report as amended and transmits it to Human Resources, the VP for Student Relations, and other university bodies.

The action was approved by unanimous vote.

Professor Koopmann suggested that SACUA develop a resolution opposing the administration's practice of using appointed committees bound by gag rules to shield policy discussions from the scrutiny of faculty governance.

There was no unfinished or new business.

The meeting adjourned at 4:52 P.M.

Respectfully submitted,

John 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.

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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