Report of the Student Relations Advisory Committee (SRAC) and the Secretary of the University Advisory Committee

I would like to begin by thanking the members of these committees for their hard work and thoughtful discussion throughout the year and the two executive officers, Sally Churchill and Royster Harper, with whom we have met for facilitating these conversations and being genuinely engaged with the faculty throughout the year. The topics that I would like to single out from our discussions are:

1. Workplace bullying
2. Procedures for dealing with complaints brought under the current SPG on harassment
3. The Standard of Evidence for dealing with complaints under existing SPGs and the Statement on Rights and Responsibilities
4. Residential Life
5. Alcohol abuse
6. Recreational Sports
7. The need to embargo dissertation publication

The last of these topics has yet to be discussed by either of these committees, but I feel that it is of such compelling importance for the community that it needs to be aired.

In the case of the Secretary of the University Advisory Committee, we have engaged in robust and wide ranging discussions of the issue of workplace bullying as well as the new SPG on discriminatory harassment. This work has been helped immensely by Sally Churchill’s help in arranging for us to meet with Professor Loraleigh Keashly, a nationally recognized expert on workplace bullying. The issue of workplace bullying, which is not directly covered by any University SPG, arose because of the Virginia Quarterly Review situation this past summer where a long-term employee committed suicide as a result of what appeared to be the consistent bullying behavior of a narcissistic supervisor, and the lack of response on the part of supervisors to complaints about the rampant favoritism and harassment evident in the supervisor’s conduct. Studies of the health of the University community released to and through the Medical Affairs Advisory Committee show that much of the employee population (we are largely talking about staff in this case) reports stressful work conditions. Such conditions are linked in these surveys to poor communication about workplace issues, and there is significant anecdotal evidence about the inability, or active disinterest, of senior supervisors in controlling what is often seen as abusive behavior by mid-level management. Some of this may be attributed to poor training, as the University does not have any procedures to identify situations where top-down or peer-to-peer bullying occurs or to offer the training that would make it possible to alleviate these situations (by bullying we mean persistent conduct that is aimed at harming an individual or an institution). In fact Keashley recommends that any program to limit workplace bullying must have a training component that would enable people to change behaviors before they result in chronic breakdowns within units. We are continuing to work on a proposal to handle this situation that will align with other SPGs on harassment.

An issue connected with the University’s SPGs on harassment and one that spills over in a significant way to other areas of the University, especially student life, is the procedure through which complaints are investigated. My comments here are not meant in any way as criticism of the Office of Internal Equity (OIE) in its current form, but rather are motivated by concern for what might happen if different staff should be involved, and what experience has shown to be much less careful reading of SPGs by groups other than OIE. These issues were also discussed
by SACUA, which looked at the nature of the warning to a person accused of discrimination or harassment, when the warning is made, and what range of consequences is possible. In current practice the initial report, after gathering some evidence, is shared with both the complainant and the accused. A finding of fact is presented. OIE then makes a recommendation as to whether the investigation goes forward or not. Only if the accused asks for a listing of possible consequences are such provided. SACUA suggested that possible consequences be presented to the accused at the onset even if the accused does not request that information. In the SRAC review of the matter, the committee recommended that the SPG offer guidelines for informing an individual that he/she is involved in a proceeding that may result in that individual’s separation from the University. In this case, if the result of a preliminary investigation of a complaint leads the investigating officer to believe that separation from the University may be a consequence of the complaint, the investigating officer should inform the respondent in an initial conversation with the respondent, or in writing (we feel that written notification is preferable). In stating this preference the committee note that the American Psychiatric Association (APA) has a well-developed protocol that might provide a model for investigations under this SPG. According to APA procedures, the Ethics Committee (the body charged with receiving the complaint) and may contact the complainant for clarification before deciding whether or not to open a case (it is rare that the Respondent would be contacted at this stage). Once a decision is made to open an investigation the Ethics Committee will notify the respondent, providing the respondent with the name of the complainant, the letter of complaint and a copy of the procedures. We note that the care that OIE takes in holding back the name of the complainant until it determines that an investigation is necessary is important for protecting the complainant from possible retaliation.

In all these cases an issue arises as to the standard of evidence. The issue is whether we should use the standard of “Clear and Convincing,” which requires roughly 75% certainty or “preponderance,” which requires roughly 51% certainty. The SRAC and Secretary of the University Advisory Committee felt that the preponderance standard should be sufficient for initiating an inquiry, but that in deciding a case where serious consequences were in order the stronger, “clear and convincing standard should be used.” SACUA and the tenure committee used the “Clear and Convincing” standard in dealing with complaints under Regents Bylaw 5.09 which could lead to termination of tenure and that the standard is currently required in the Statement of Student Rights and Responsibilities. Thus, for example, in a hearing under the Statement “The standard of review is the respondent is presumed not responsible unless clear and convincing evidence is presented that a violation of the Statement has occurred,” whereas under the Procedural Guidelines in SPG 209.89.1 “the Investigator’s findings of fact will be made using the ‘preponderance of the evidence’ standard. According to this standard, individuals are presumed not to have engaged in the alleged conduct unless a ‘preponderance of the evidence’ supports a finding that the conduct occurred. This ‘preponderance of the evidence’ standard requires that the evidence supporting each finding be more convincing than the evidence offered in opposition to it.”

The SRAC and Secretary of the University Advisory Committee feel that a stronger standard should be imposed in deciding a case than in simply bringing it, and the University should have the same standard in adjudicating disputes involving staff that it has for faculty and students. Neither committee, I stress, feels that this issue has arisen as a result of any action by OIE, but we are concerned that when staff less well trained than that of OIE administer or interpret SPGs, very serious issues of fairness might arise.
We note that there is pressure to change the standard required for deciding a case in the Statement of Student Rights and Responsibilities, as the preponderance standard is now used at a number of other universities (the number changes regularly and the Office of Civil Rights has urged adoption of the standard). Whether Michigan should follow this trend in the case of the Statement and in the case of complaints brought under current SPGs and Bylaw 5.09 will, I suspect, remain a subject for robust discussion.

The issues that I have been discussing have occupied both the committees for which I am reporting to various degrees (though the workplace bullying issue specifically has only been the province of the Secretary of the University Advisory Committee). The Secretary of the University Advisory Committee, which reviews significant changes in the Bylaws before they are given to the Regents, also joined in the discussion of the change in the tenure probationary period as defined by Bylaw 5.09, supporting SACUA’s position, and the discussion of the use of Trespass orders, also supporting the discussion of procedures in SACUA (i.e. that there be independent oversight of DPS’s use of these orders). The SRAC also spent time looking at the Residential Life Initiative, the university’s procedures in handling underage alcohol abuse, and the administration of the University’s recreational facilities, whose administration has now passed from the Department of Intercollegiate Athletics.

In the case of the Residential Life Initiative, the SRAC found that “Phase 2” of the initiative focuses on preventing crumbling infrastructure with funds from student fees and with the proviso that infrastructure changes must be self-sustaining. Any investments and new construction must go through the Regents and stipulate how Housing plans to pay back construction costs, given that the fees for room and board are separate from any other fee structure.

Recent changes in the use of University Housing include fewer families staying in the apartments specifically designed for families and the transformation of residences into community-learning centers. Computer labs are being transformed into group study areas, focused on new technology with “Peer Academic Success specialists” to help their fellow students and refer them to professional staff members who can give formal advice.

Reaching students, particularly younger students, who have difficulty connecting to the community is a problem requiring constant innovation as student habits change. North Quad’s website, for example, is also designed to resemble a social networking site. Other changes aim to “extend the learning experience” outside of the classroom. Such extension is facilitated by the transformation of a number of residences into themed buildings. North Quad, for example, has a technological and international focus, with programs like the Max Kade German House and the Global Scholars anchoring the theme. There is a move to do similar things on North Campus, specifically in Bursley, to enable engineers, artists, musicians, and theater students to connect and think about creativity in a different way. Buildings without themes will still exist, acknowledging students whose interests will not fit comfortably into a preset theme.

The Committee discussed the challenge of bridging the sense of community after students leave a Living Learning Community, noting that there are various models, with the Residential College being very intense, while others are less academically rigorous. The sophomore year and beyond programs have been enhanced over the past five years, with students coming back to the Living Learning Communities and connecting with underclassmen.

The biggest hurdle that Housing faces is student desire to move to apartments. Despite this, the University is at higher occupancy for first years than other universities that mandate living on campus, and most students encourage others to live on campus freshman year.
Problems of all sorts arise once students leave University housing as they are often hard to locate and, as sophomores may not yet have joined smaller academic communities offered by department concentration programs. Second year housing usually continues the pattern of a student’s first year, with students either living with the same people, living at a Greek house or moving to co-ops. While the proportion of sophomores (40%) who return to University Housing has remained stable, the numbers have actually gone up because the University has more students. North Quad is built suite-style to make it more appealing and Stockwell is also directed to only non-freshman students. The admissions target has increased to 6,000 students, but a wrong prediction affects the whole system and can result in an unhappy and crowded experience for students.

There is a structural rub between the academic units and the Residence Life initiatives. Some communities have good academic connections, but in other departments, this connection is not prioritized. Much of the education on campus happens in “faculty-free” zones, but this separation is usually institutional rather than natural and is far from ideal. Residence Life would benefit from more robust alignment with faculty. We urge the University to look to ways in which faculty might be encouraged to participate in these programs. We also note that there may be genuine concerns on the part of departmental administrators who might worry about credit being shifted from the department to a program, and that there will need to be incentives for faculty to teach in these programs. Such incentives can include release time from other responsibilities or additional compensation, either directly or in the form of research funds.

In terms of Alcohol policy the SRAC looked at a wide variety of challenges that contribute to a climate of heavy alcohol use amongst students, including the way that, under the influence of large beer distributors, events like Halloween and St. Patrick’s day have become occasions for widespread inebriation, the Greek system and the culture of partying around major sports event. There are also a number of problems, including education for students who are involved in alcohol related incidents, and access to trained personnel in the event of an incident.

In response to the first point, it was suggested that the University should emphasize the secondary effects of drinking, making students need to be aware of the effect their dangerous drinking has on other students. The second problem arises when students have a difficult time finding the right person in the event of an event involving drugs or alcohol. The Department of Public Safety (DPS) does not have training to deal with students and Resident Assistants (RAs) cannot always be found on weekend nights. Enforcement is also hard to monitor in the wake of an incident. The Alcohol and Other Drugs Prevention (AOD) team is working on creating a new database, but needs the Greek system and Housing to report so the database can be a concrete reflection of drinking on campus. Greek houses are independent from the University and cannot be sanctioned for lack of cooperation or unseemly incidents, but they do have to be nationally recognized so there is incentive for them to work with the University on these matters.

In terms of Recreational Sports, the new plan emphasizes that students are the primary users of Recreational Sports facilities, but also that the system faces serious financial challenges. There are three possible methods of solving those financial challenges: increased student fees, philanthropy, and central equity. Because competing University priorities place serious limitations upon the plausibility of the latter options, a funding model that emphasizes students is prioritized, and any new facilities will aim to attract students. The SRAC noted that this is potentially problematic, as there will need to be equivalent facilities for faculty and staff. Lack of facilities for faculty and staff is a competitive weakness, especially on the medical campus. Staff and clinical faculty are at a significant disadvantage, as they do not have the same freedom of
coming and going throughout the day. Despite the emphasis on students, all University members will be accommodated, but perhaps not well, and the bill for a thorough renovation of the facilities is currently $220 million. One assumption is that after the renovations, faculty and staff’s peak use of facilities would rarely intersect with peak student use, but this is not true if one looks at patterns of after-hour usage at local athletic facilities which correspond to peak periods of student usage. Since lack of space is the key issue for all groups it is possible that the best solution will be to build a more robust partnership with other local providers of exercise facilities by subsiding faculty and staff memberships to promote a more healthy community.

A final issue that is of the greatest importance, though not yet one addressed by one of these committees, is the Rackham requirement on the “publication” of dissertation. I cannot speak for the Social Sciences and the Natural Sciences with regard to these regulations, but I can speak to the issue with respect to those disciplines in the Humanities that require a book for promotion (or now, increasingly, for hiring into a tenure track-position). The current Rackham regulation opens with the seemingly innocuous claim that the policy against embargoing dissertations is consistent with the University’s mission to share its scholarly work with other scholars, students, and the public. The Rackham Graduate School requires that all dissertations be made publicly available upon degree conferral. That is to say, the dissertation is made publicly accessible, unless the student requests that the contents be embargoed. In point of fact, the burden should not be upon students to request the embargo, since at the point that they must make this request they may not understand the full implications of their decision. Instead, of making receipt of degree contingent upon making a dissertation publicly accessible, Rackham should merely include open access as one of several options a student might want to consider.

In point of fact university libraries are loath to acquire books that result from dissertations, scanning prefaces for words such as “committee,” ”dissertation” or other words that would indicate that the book in question arose from a dissertation, and comparing a book’s author and title to database information about dissertations. The result is that academic publishers are loath to publish books that began as dissertations in large part because of the very negative impact that this library practice has upon their ability to recover their costs, especially as the loss of a hundred sales can make a book whose initial print run is typically four hundred copies uneconomical.

The result of the Michigan policy is to cut the ground out from under the feet of our recent PhDs, who are unaware of the consequences of not embargoing their dissertations in the Humanities. That is, the policy restricts their ability to use the material from their dissertation as the foundation for the publication of a book. University Presses are not the “enemy,” whatever one might think of Reed Elsevier and other publishers of expensive scientific journals. Without the ability to publish, early in our careers, with university presses, those of us who have been fortunate enough to have our later work taken up by commercial publishers (e.g., Norton or Knopf) would not have been able to accumulate the track record needed for tenure, much less for winning broader exposure for our research in the national and international community and outside of a strictly disciplinary environment.

Those of us who would still like to publish major works of technical scholarship that will not be taken up by commercial houses also require the skills of university presses to make this possible, and it is not our business as academics to try and invent financial models for those houses (nor should we try to make it our business since these are full-time jobs held by properly trained professionals). That perhaps is an issue for another day, but for today I would like to
stress that the current University policy is inimical to the wellbeing of my students in the humanities and the humanistic social sciences.

Again, I would like to thank the members of these committees for their hard work and willingness to discuss the topics before us with an open mind, and I would like to thank both Sally Churchill and Royster Harper for entering into meaningful conversations with their committees.