

Minutes 23 April 2018  
Circulated 25 April 2018  
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THE UNIVERSITY OF MICHIGAN  
Senate Advisory Committee on University Affairs (SACUA)  
Monday, April 30, 2018 3:15 pm  
Fleming Administration Bldg, Regents' Room

Present: Atzmon, Beatty, Carlos (via BlueJeans), Conway, Lippert, Marsh, Ortega (chair), Schultz, Spencer, Szymanski (via BlueJeans), Wright, Potter (via BlueJeans), Schneider, Snyder

Absent:

Guests: Professors Lois Alexander (UM-Flint), Ricardo Alfaro (UM-Flint), Chris Douglas (UM-Flint), Mickey Doyle (UM-Flint), Judy Haefner (UM-Flint), Adam Lutzker (UM-Flint), Bruce Maxim (UM-Dearborn), Cathy Miller (UM-Flint), Emily Newberry (UM-Flint), Ken Schilling (UM-Flint), James Schirmer (UM-Flint), Matt Wyneken (UM-Flint), members of the press

3:15: Call to Order/Approval of Agenda

Announcements

- The Flint Faculty Council should suggest two nominees for Honorary Degree Committee
- Pamela Heatlie from the Office of Institutional Equity (OIE) will join the next meeting (April 30), which will be in Executive Session'
- The Request from an Attorney that was circulated to SACUA will be discussed at a later time
- The SACUA video was greeted with applause at the Senate Assembly Meeting
- There will be a farewell dinner tonight for the departing members Ortega, Szymanski, (in absentia), and Wright
- Chair Ortega Introduced new members Conway, Lippert and Spencer

3:20: Executive Session

Professor Marsh was elected chair for 2018/19  
Professor Beatty was elected Vice-Chair for 2018/19

3:30 Tri-campus Update

Chair Ortega discussed the establishment of the Tri-Campus Task force (<https://facultysenate.umich.edu/senate-assembly/resolutions/>) as a vehicle for communication between the three campuses. This committee was initially set up for the 2016/17 Academic Year. It was continued for the 2017/18 Academic Year ([https://facultysenate.umich.edu/wp-content/uploads/sites/22/2015/02/SA-Minutes\\_91817\\_APROVED.pdf](https://facultysenate.umich.edu/wp-content/uploads/sites/22/2015/02/SA-Minutes_91817_APROVED.pdf)). It is not a permanent standing committee. Chair Ortega pointed out that SACUA is authorized to consider intercampus communication, and that its authority to do so stems from Regents Bylaw 4.01:

The 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

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thereto. Decisions of the University Senate with respect to matters within its jurisdiction shall constitute the binding action of the university faculties. and Regents Bylaw 4.02:

The University Senate may adopt rules concerning its own government and procedure and concerning its officers and committees.

The charge to the committee, which is “to undertake an assessment of and to make recommendations about tri-campus campus faculty governance relationships at U-M, UM-Dearborn, and UM-Flint” accords with Bylaw 4.04:

The assembly shall have power to consider and advise regarding all matters within the jurisdiction of the University Senate which affect the functioning of the university as an institution of higher learning, which concern its obligations to the state and to the community at large, and which relate to its internal organization insofar as such matters of internal organization involve general questions of educational policy. The assembly shall advise and consult with the president on any matter of university policy which the president may place before it. The assembly may request information from any member of the university staff, and may invite any such person to sit with it for the purpose of consultation and advice).

SACUA’s authority to act in this matter as the agent of the Senate Assembly is established under Bylaw 4.08:

The Senate Advisory Committee on University Affairs, on behalf of the assembly, shall advise and consult with the president of the university on matters of university policy and shall serve as an instrument for effecting the actions of the senate and the assembly. It shall nominate and supervise the committees of the assembly and shall perform other functions delegated to it by these bylaws or by the assembly.

Chair Ortega said the Faculty Council at Flint has indicated it has concerns with a potential recommendation of the Tri-Campus task force that SACUA membership be expanded to 11 so as to have a member from both the UM-Flint and UM-Dearborn campuses. He pointed out that the Tri-Campus Task Force’s proposal is consistent with the stated effort of the committee to explore ways to facilitate better communication, but that SACUA, which has voted in favor of this proposal needs to consult widely before taking any further action. SACUA is currently waiting for advice from the Office of the General Counsel and the Rules Committee. Final approval would require a vote first by the Senate Assembly, then by the Senate and finally by the Regents.

Professor Alfaro read out, *in toto*, the document prepared by the UM-Flint Faculty Council that is appended as Appendix 1.

Professor Wright asked if the primary concern of the Faculty Council was that the Tri-Campus task Force was permanent and possessed of an open-ended charge.

Professor Szymanski asked if it was the desire of the Flint faculty Council that all issues brought to SACUA relating to Flint be returned to Flint without discussion unless they were sent to SACUA from the Faculty Council.

Chair Ortega said Faculty Council appeared to have misunderstood the nature of the Tri-Campus Task Force which was neither permanent nor in possession of an open-ended mandate, but was simply in an information-gathering phase.

Professor Maxim said his understanding was that the task force could be renewed every year and asked if there was interest in having seat permanently reserved for a member of the UM-Dearborn faculty. He is pleased with the prospect of enhanced communication and did not see jurisdictional concerns. He said faculty members who had grievances would initially try to have

them resolved at the departmental level, but that issues certainly worked their way up to the campus and SACUA levels.

Professor Wright said communication between campuses was important so SACUA could understand differences between campus processes. He suggested three possible mechanisms to facilitate such communication (not mutually exclusive). One would be to have seats reserved for faculty members from UM-Flint and UM-Dearborn on SACUA; the second would be to schedule annual meetings between SACUA and faculty governance groups on the UM Dearborn and UM-Flint campuses (though he recognized that would be hard to organize); the third would be a committee such as the Tri-Campus task Force that had no enforcement power but could facilitate discussions.

Professor Alfaro said that the UM-Flint Faculty Council was worried about the expansion of the charge of the Tri-Campus Task Force to include conversations with the executive officers and other faculty committees. He feels that the committee's charge is problematic.

Professor Beatty said the Task Force is still a work in progress, that there is no final view on the power of the committee or its jurisdiction. She is concerned with "mission creep," and mechanisms of communication. Professor Schultz added that a word like "jurisdiction" is problematic as faculty governance is advisory; the point of the Task Force is simply to help faculty from all three campuses.

Professor Maxim said there was a good relationship between the Faculty Senate and the administration at UM-Dearborn, that faculty governance had been able to convince the administration to change policies and that it would not feel bound to accept recommendations from the Tri-Campus Task Force it did not like.

Professor Douglas said a representative from the Tri-Campus Task Force had told the Faculty Council that he could not talk about the business of the Task Force. He feels that communication between the two groups needs to improve, especially if the Task Force is speaking with administrators. Professor Lippert said she felt the Task Force member was being misquoted. Chair Ortega said that meetings of the Task Force were open, that it was important to communicate clearly and for everyone to be saying the same thing. Professor Szymanski said it would be wise to publish the minutes of the Task Force. Professor Ortega said that efforts were being made to do that; Professor Beatty added that minutes for the last meeting were available.

Professor Schultz said that, at its best, faculty governance served the "underdog," providing assistance to people who do not feel they are being well-served, by the administration or local faculty governance.

Librarian Newberry said that, procedurally, issues should be brought to unit before they were brought to SACUA, and expressed concern about due process if people were to feel that they could bring their issues straight to SACUA. Chair Ortega replied that SACUA's responsibility to take the concerns of all Senate members seriously and people who have come to SACUA have said their concerns were dismissed at the campus level. When issues connected with UM-Flint are being discussed (confidentially) he lets Professor Alfaro know that matters connected to Flint are under consideration in open session.

Professor Lippert asked if the document Professor Alfaro had read out would be shared with the UM-Flint faculty. Professor Alfaro said it will be.

Professor Malek said there appeared to be a problem of factionalism on the faculty at UM-Flint. Professor Lutzker said SACUA is unaware of structures on the campus of UM-Flint, and that it could choose either to become better informed or not to be involved. Professor Malek said factionalism, never a good thing, is potentially harmful to the campus community. Professor Alfaro said a small group of faculty were painting a very negative picture of the atmosphere at UM-Flint. Professor Alexander denied that the faculty at UM-Flint was factionalized and pointed

to positive contact between the UM-Flint Faculty Council and SACUA, including amiable discussions of Title IX issues with Professor Masten when he was SACUA chair.

Professor Schultz said SACUA responds to requests and queries, which gave the impression of factionalism at UM-Flint. To clear the air, SACUA offered the opportunity for an open conversation, but that had not happened and further efforts on the part of Professor Lippert had been rebuffed. SACUA is very interested in mending fences and had made a call to learn the view of the Faculty Council.

Professor Douglas said the Faculty Council had, in the past, been very happy to meet with the chair of SACUA or the committee as a whole as happened in December 2016. He felt the 2016 meeting had straightened out misconceptions and that the relationship between SACUA and the Faculty Council was on a good footing. The Faculty Council had not felt that it should contact SACUA about campus issues and was unaware that faculty members from UM-Flint had come to SACUA.

Professor Beatty and Wright asked about the satisfaction survey that the Faculty Council had appended to its statement, noting there were 40 responses and 12 members of the Faculty Council. They wondered how the response rate compared with that to the survey concerning administrators. Professor Alfaro said there were 80-90 responses to that survey. Professor Wright asked if there were concerns about the way the faculty council survey was administered.

Professor Douglas said SACUA should provide the background for issues it has with the Faculty Council.

Chair Ortega said requests for enhanced communication are not necessarily about problems; in December he had a conversation with Professor Alfaro about sharing resources. Professor Douglas expressed satisfaction at the existence of communication on such issues. Professor Alfaro suggested that an annual meeting between the leaders of SACUA, the UM-Dearborn Faculty Senate and the UM-Flint Faculty Council would be more productive than the Tri-Campus Task Force.

Professor Beatty said that the Faculty Senate at UM-Dearborn was very busy and had frequent meetings with administrators.

Chair Ortega said it was a matter of principle for all Senate members to have access to Senate Assembly and SACUA, that SACUA could receive the concerns of all Senate members given Senate Assembly's role in representing University-wide, as opposed to local, governance. Professor Lippert stressed the need for multiple avenues of communication and suggested having Senate Assembly members report at faculty meetings. Professor Maxim said this was the practice at UM-Dearborn. Professor Alfaro said he would be happy to have a Senate Assembly member report at faculty meetings.

Chair Ortega expressed his respect for the autonomy of the Faculty Council. Professor Alfaro asked Professor Schultz about SACUA's future role on the UM-Flint campus. Professor Schultz replied that SACUA would have to take account of grievances brought forward from the UM-Flint campus. Professor Alfaro said UM-Flint's process was modelled on the Ann Arbor process SACUA had proposed. Professor Schultz allowed as how the process is imperfect. Professor Alfaro said that the process should be allowed to run its course and Professor Lutzker expressed concern about the tone of an e-mail exchange between Professor Schultz and the Faculty Council over the weekend. Professor Schultz indicated that he was interested only in correcting some factual errors. Professor Douglas said that it was possible for the grievance system to be working well even when a grievance failed. Librarian Newberry said the dialogue was important to both communities.

Chair Ortega drew the conversation to a close, introducing Professors Marsh and Beatty as the new Chair and Vice-Chair of SACUA, and said he hoped the lines of communication

would remain open, that SACUA has University-wide concerns and will involve people in conversations, as needed, when issues are brought to its attention.

4:37 Executive Session

[UM-Flint Governance Concerns]

[The Davis, Markert, Nickerson Academic Freedom Lecture]

[Tri-Campus task Force membership]

5:11 Adjournment

Appendix 1

Dear Colleagues of SACUA,

Thank you for your response to our email from April 4 and for giving us the opportunity to express our concerns regarding recent developments of the Tri-Campus Task Force. In addition to several members of the duly elected Faculty Council as representatives of the Governing Faculty of the Flint Campus, we also have today two recent past Chairs of Faculty Council who support our views and can attest for the effectiveness, professionalism, and integrity of faculty governance in Flint.

Let me go directly to the issue that brought us here. Faculty Council, on behalf of the Faculty of the Flint campus, does not support the proposal to make the Tri-Campus Task Force permanent. The proposed motion to make the Task Force permanent includes language that gives it an open-ended charge, which the Flint Faculty Council finds problematic. Such an open-ended charge could lead to an unelected parallel governance structure at the Flint Campus, thus undermining the autonomous faculty governance as derived from the Faculty Code. These proposed changes from the Task Force have happened without consultation with the Flint faculty, which is inconsistent with past practice.

We propose, as a more effective, informative, and collegial use of our time that at least once a year, SACUA, the UM-Dearborn Faculty Senate Council, and the UM-Flint Faculty Council meet to discuss matters of common concern involving faculty governance across the three campuses. The governance leaders on each campus will be in the best position to accurately discuss governance concerns and propose agreeable solutions, as they are the ones dealing directly with them on a daily basis. Senate representatives from each campus would also be logical attendees of these joint meetings. The faculty leadership of each campus are the elected representatives, and have the duty and responsibility to look for the best interest of their faculty and the university. That is our duty, and we would do a disservice to our constituents if we delegate it to a third party.

We wish to share the following information in order to clarify your understanding of governance on the Flint Campus. Faculty governance operates effectively at our campus, as evidenced from campus faculty governance operates under the Faculty Code, which has been in place for over 25 years. The Faculty Code charges Faculty Council to lead faculty governance on the Flint campus and to speak and act on behalf of the faculty. Faculty Council consists of 12 members with broad representation from the five academic units and library. Faculty

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Council meets bi- weekly and all meetings are open, except when Faculty Council goes into executive session.

Agendas and minutes are circulated well before each meeting as well as being posted on our public UM-Flint faculty governance website. In order to get the wide input of the faculty we take all large issues before the entire UM-Flint faculty at university-wide governing faculty meetings, which happen at a minimum of once a semester. All governing faculty are invited and free to attend these meetings, make their views known, and offer motions and amendments to motions on the floor. All meetings are conducted in accordance with Robert's Rules of Order, unless otherwise specified by the Faculty Code.

A hindrance to faculty governance on the Flint campus is that a few individuals from among our faculty have circumvented the faculty governance structure by repeatedly appealing to SACUA, administrators, and other offices in Ann Arbor concerning Flint-campus governance issues. Such action serves to discredit Flint faculty governance and makes it difficult for Faculty Council to conduct its business. All faculty members are free to attend university-wide governing faculty meetings and make their views known. However, it is important for all faculty members to respect outcome of votes at these meetings, even outcomes they may personally disagree with. As General Henry Robert, the author of Robert's Rules, said "The greatest lesson for democracies to learn is for the majority to give to the minority a full, free opportunity to present their side of the case, and then for the minority, having failed to win a majority to their views, gracefully to submit and to recognize the action as that of the entire organization, and cheerfully to assist in carrying it out until they can secure its repeal."

To summarize, we are concerned with the Tri-Campus Task Force diverting from their charge and potentially evolving into a permanent committee with an open-ended charge and an unclear jurisdiction. What began as a temporary task force with a charge to gather information and present a written report by April 17, 2017, has turned a small committee who are now drafting motions that may affect Flint faculty without proper consultation. We are concerned that lines of jurisdiction have been crossed and wish to ensure that the Task Force's work does not encroach on Flint campus governance, which is under the purview of Faculty Council operating through the Faculty Code.

In order to maintain the autonomy of Flint governance, we officially request the following:

1. Instead of a permanent Tri-Campus Committee (Task Force,) we propose that SACUA, the UM-Flint Faculty Council, and the UM-Dearborn Faculty Senate Council have an annual meeting to discuss governance issues spanning the three campuses. The location of the annual meeting can rotate across the three campuses.
2. We request that the Faculty Code and the structure of faculty governance on the Flint Campus be recognized by SACUA as the proper body of governance with jurisdiction over the affairs of Flint faculty. If individual faculty members contact SACUA or Ann Arbor regarding Flint governance issues, we ask that these individuals be redirected through the proper campus channels of faculty governance, by either contacting Faculty Council, or bringing their

concerns to the Governing Faculty.

Respectfully,

UM FLINT Faculty Council

Respectfully submitted,  
David S. Potter  
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."