

Minutes 11 February 2019
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THE UNIVERSITY OF MICHIGAN
Senate Advisory Committee on University Affairs (SACUA)
Monday, February 11, 2019 3:15 pm
4006 Fleming Administration Building
Ann Arbor, Michigan 48109-1340

Present: Atzmon, Beatty, Conway, Malek, Lippert, Marsh (chair), Schultz, Spencer, Potter, Schneider, Snyder

Absent: Carlos

Guests: Provost Philbert, Christine Gerdes Special Counsel to the Provost, Members of the Press

3:15: Call to Order/ Agenda Approval/ Approval of Minutes
The agenda was approved, the minutes for February 4 were approved.

3:20: Announcements
Chair Marsh said that there is a need for candidates for SACUA, there are currently 3 candidates and 6 are needed by February 28.

Chair Marsh reported SACUA's concerns about the new SPG on Faculty-Student Relationships to the Provost. He and Professor Potter had met with Special Counsel Gerdes and Assistant Vice Provost for Academic and Faculty Affairs Burkel. He said that the discussion had been very positive and that SACUA's concerns had been given careful attention. Special Counsel Gerdes will be open to additional feedback after next Monday; she is aware that the ramifications of the policy cannot be fully predicted.

Professor Lippert asked if there was a specific event motivating the SPG requiring that faculty report their being charged with or convicted of felonies (SPG 201.38). Librarian Spencer has sent out information about the Carceral State event to be held from 5-7:30 on Wednesday, February 13 at 1324 East Hall, where SPG 201.38 will be discussed. Librarian Spencer and Professor Schultz will attend the event.

3:32: Guest Provost Philbert

Chair Marsh invited Provost Philbert to open the discussion. Provost Philbert thanked SACUA for the opportunity to be present and drew attention to the second round of applications for Core Funding in the Bioscience Initiative (<https://record.umich.edu/stories/biosciences-initiative-offers-new-core-lab-funding-program>). The Core program aims to enhance technology at existing core laboratories or create new core laboratories to advance the research capabilities of University investigators. Cores enhance efficiency by enabling the purchase of large-scale equipment that can be shared between projects. He also drew attention to the program at the Medical School (<https://research.medicine.umich.edu/cores-research-resources>) where there is a request for S-10 funding. The S-10 Program, administered by the National Institute of Health (NIH) (<https://orip.nih.gov/construction-and-instruments/s10-instrumentation-programs>), "supports purchases of state-of-the-art commercially available instruments to enhance research of NIH-funded investigators. Instruments that are awarded are typically too expensive to be

obtained by an individual investigator with a research project grant. Every instrument awarded by an S10 grant is used on a shared basis, which makes the programs cost-efficient and beneficial to thousands of investigators in hundreds of institutions nationwide.” Chair Marsh asked if there was a plan to build university-wide access to cores in the sciences. Provost Philbert replied that the campus supports 70 core centers (<https://cores.research.umich.edu>) and that the plan is to review the hard sciences and see what other capabilities are available.

Chair Marsh said that SACUA has been involved in the new SPG on Student-Faculty relationships, and invited SACUA members to bring up concerns. Professor Schultz said SACUA has been actively seeking inclusion at earlier stages of processes such as in the drafting of the new policy, observing that faculty governance was not included in groups that have shaped several recent policies. He pointed out that an advantage of involving elected faculty governance at an early stage is that it would share responsibility for the outcome in cases where there was dissatisfaction. Provost Philbert countered with the observation that his office seeks input from SACUA leadership amongst a wide range of sources. He added that there are occasions when the secular trend is moving so fast that, as a public university, the University of Michigan has to move swiftly. This does not mean that his office is adverse to communication in the development of policies or that once the policy has been published it cannot be changed in light of experience. He believes in full engagement early on.

Professor Lippert said she respected the Provost’s point that the University may need to move quickly, but suggested that faculty input should not be sought solely from faculty members hand-picked by an administrator in lieu of input from faculty who have been elected by their peers. In her view, when institutional issues arise, members of faculty governance should be included. Provost Philbert noted the point

Professor Beatty asked if Provost Philbert could discuss the role of the Regents in developing policy. Provost Philbert replied that this was an issue best discussed directly with the Regents themselves.

Professor Malek observed that in the 15 years during which he has been running a lab the NIH has changed its business model, while the University has pursued a consistent policy. He asked why the University was not addressing its “business model” in light of changing circumstances. He observed that President Schlissel had said it was not possible for the University to change the way it operates. Provost Philbert said that President Schlissel’s remark reflected that fact that there is not one business or project model across the three campuses and there is variation within schools. It is necessary, he said, to look inside specific programs to see how nimble those budget models are.

Professor Malek said he is disappointed at the sense of latent conflict within the institution, suggesting that there a preemptive need to make the University a better place to work. Provost Philbert said he is very open to hearing suggestions about how to improve climate at the University.

Professor Lippert asked if more SPGs will be developed this semester. Provost Philbert said he is not aware of any at the moment.

Chair Marsh raised the issue of faculty discomfort with SPG 201.38 concerning the self-reporting of felony charges or convictions by faculty members. He said that while most people are comfortable that the University should know about conviction for a felony, people are concerned about the sometimes-erratic processes that could cause a faculty member to be charged with a felony. Provost Philbert replied that it is the context of the charge that matters. He noted that disclosure is not discipline, and that while, in some cases, disclosure can have a chilling effect, there are different outcomes depending on the context. At a rally, for instance, sociological factors might result in two people having very different outcomes as a result of an encounter with police even though their actions were congruent. He believes that, at some level,

faculty and staff need to trust the system and oversight of the system. As a place that emphasizes a core set of values relating to diversity, equity and inclusion, the university does not wish to exacerbate some of the biases endemic in the justice system. Depending on how the filter is set, the University may find itself with either a compendium of potential misdeeds or something so “wishy washy” as to be unhelpful (the current situation). SPG 201.38 favors inclusion, so that, for instance, if a person should be arrested for stealing from their not-for-profit institution it would be prudent for the University to separate that person from financial transactions at the university (they can be restored to their previous status if they are cleared of the charge). In risk management, if a person is charged with sexual misconduct around minors, the University needs to protect the community. Some things are inherently high risk, and in those cases the University will err on the side of caution. That will not be the case if the alleged felonious behavior is not germane to the employee’s core duties.

Librarian Spencer asked how the University can enforce felony reporting. Provost Philbert said the University can ask and impose a sanction if it later discovers that it is germane that a person misrepresented him/herself. The University can set a standard through the SPG and then see how it is enforced. Professor Schultz said the two new SPGs are of concern in that they threaten to make things so rigid at the faculty level, that they could have a stifling effect on civil disobedience or commonplace social interactions such as taking a graduate student out for lunch. Provost Philbert said he is unaware of any law or rule that perfectly describes human behavior, that there is always room for interpretation, and knows of no area of human conflict in which judgement is not brought to bear. He observed that the University has a strong tradition of protest and dissent, and that SPG 201.38 is rooted in the core values of the institution. Similarly, there are cases in which lunch with a student is simply lunch with a student and others in which it is not. People have to trust that the administration seeks to foster a safe and equitable environment and not to be engaged in a game of “gotcha.” Professor Schultz asked Provost Philbert if he was aware of cases in which the previous policy on faculty-student relationships had failed. Provost Philbert said he has not learned of serious failures of the previous policy.

Professor Atzmon noted that researchers at the Massachusetts Institute of Technology are deeply involved in collaborations with researchers and universities in Saudi Arabia, and that MIT was debating the need for rules restricting collaboration with bad state actors. He asked if UM has discussed any such policies. Provost Philbert said the University follows the State Department’s advice on travel prohibitions to dangerous countries, but he is unaware of prohibition on research collaboration beyond State Department rules. He further explained that he is unaware of the University having a direct relationship with a government, and that university relationships are made with other academic institutions.

Professor Lippert said that while she supports the change of the SPG on student-faculty relationships, she is concerned about how it is articulated and would like it to reference existing research on faculty governance issues (protections). She is also concerned that the SPG will have a negative impact on the Lesbian/Gay/Bisexual/Transgender/Queer community, minorities and women. Provost Philbert said his office has taken the comments of SACUA very seriously.

4:00: Discussion

SACUA members expressed pleasure with the openness of the conversation with the Provost. Chair Marsh and Professor Potter stressed the fact that there had been a good discussion of the concerns that SACUA had brought forward on behalf of the faculty. Professor Schultz reiterated his view that it would have been better if SACUA had been included earlier in the process. Professor Lippert asked whether students had responded to the SPG on student-faculty relationships. Chair Marsh said he not aware of a response from Central Student Government. Chair Marsh and Professor Malek observed that in the absence of a core, it is hard to get

expensive pieces of equipment, that such equipment is more readily obtained when it serves the whole university, and that some peer institution have a university-wide instrument facility which is more efficient than the system at the University.

Professor Malek returned to the issue of the business plan, pointing out that while the NIH budget peaked in 2003, most people who run labs in subsequent years have had to face higher costs. One result of the need, for instance, to pay higher salaries is that more work is done by fewer people. The typical person outside the Medical School may get salary covered by teaching, but in the Medical School most faculty have to raise their own salaries through grants. Professor Schultz noted that peer review for the National Institute of Science is very budget conscious, so a person who has to charge a grant for the purchase of expensive equipment will be disadvantaged.

4:20: Rule Change to allow electronic voting by Senate Assembly

Professor Marsh introduced the following proposal for allowing on-line voting:

- Pending guidance from the Rules Committee, the Senate Assembly shall adopt the following rules for electronic absentee voting.
- Senate Assembly members may transmit their votes by e-mail to the Secretary of the Assembly or his/her designate (e.g. the Director of the Faculty Senate Office) or through a secure web-based platform such as may be set up for the purpose.
- The Secretary of the Assembly, or designate, shall be responsible for tallying electronic absentee votes.
- The Assembly will be notified by e-mail that an absentee vote be held. Voting will be open for a period of 5 business days from the date of notification. After voting closes, the Assembly will be promptly notified of the results of the vote.
- The quorum for an absentee ballot shall be the same as that for conducting a Senate Assembly meeting; currently 50% of Senate Assembly members.
- Electronic votes shall not be considered secret, unless a secret ballot has been called for – e.g. election of SACUA members
- Senate Assembly members voting in person at an Assembly meeting shall not be permitted to vote electronically.
- The resolutions to be voted on electronically should normally have been discussed by the Senate Assembly prior to voting. A summary of any discussion should accompany the resolution.
- Absentee votes may be called by the Chair of the Assembly in the following cases:
 - The lack of quorum prevents the assembly conducting business in a timely manner.
 - An important and urgent matter arises that cannot wait until the next scheduled Senate Assembly meeting, including over the summer recess.
 - A majority vote of Assembly members present at the meeting of the Assembly calls for a ballot of all Senate Assembly members on the resolution under discussion.

Professor Atzmon suggested moving the requirements for voting to the top of the document. Chair Marsh said that if there is a quorum then the vote can be taken so there will be no need for electronic vote. If there a quorum with low attendance, and there is a deeply split vote the Senate Assembly can ask for an electronic vote to get additional input from absent Senate Assembly members. Professor Schultz asked if there could be a vote without a quorum. Professor Potter said there could not be an official meeting or vote without a quorum. He said that it would be possible to ask for an up or down electronic vote on a previously-circulated motion in the absence of a quorum. Professor Potter suggested retaining the second bullet point as it does not discourage attendance at a meeting. The motion will be introduced as follows:

- Absentee votes may be called by the Chair of the Assembly if an important and urgent matter arises that cannot wait until the next scheduled Senate Assembly meeting, including over the summer recess.
- Senate Assembly members may transmit their votes by e-mail to the Secretary of the Assembly or his/her designate (e.g. the Director of the Faculty Senate Office) or through a secure web-based platform such as may be set up for the purpose.
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- The resolutions to be voted on electronically should normally have been discussed by the Senate Assembly prior to voting. A summary of any discussion should accompany the resolution.

The amended motion was passed unanimously.

4:45: Approval of February 19 Senate Assembly Agenda

3:15 Call to Order, Approval of Agenda and Minutes

3:20: Announcements:

SACUA Nominations and Events

Committee Volunteers

Award Nominations

3:25: Vote on the Tri-Campus Resolution on Governance

Vote on the Statement on Principals of Due Process

3:30: Ravi Pendse, Chief Information Officer & Vice President for Information Technology

4:30 Senate Assembly Electronic Voting

4:45: Matters Arising

5:00 Adjournment

The agenda was approved unanimously

4:54: Matters Arising

5:07 Adjournment

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."