



Minutes of 17 September 2017

Circulated 8 October 2018

Approved 15 October 2018

THE UNIVERSITY OF MICHIGAN
UNIVERSITY SENATE MEETING
SENATE ASSEMBLY MEETING
18 September 2018

Present: Alam, Ali, Atzmon (by virtue), Beatty, Caulfield, Chen, Dal Cin, Conway (by virtue), DeYoung, Eaton, Fabilli, Finlayson, Hartley, Herbert, Indjekian, Jones, Kahle, Knoblauch, Laurence, Lippert, Likosky, Malek (by Virtue), Manera, Marsh (by Virtue) McInnis, Meek, Michael, Partridge, Passey, Philipich, Rao, Sandhu, Snyder, Spencer (by virtue), Tonomura

Alternate Requested: Byon (Engineering), Carlos (by virtue), Chen (Kinesiology), Djuric (Medicine), Ghaferi (Medicine), Kattari (SSW), Myers (STMD), Traynor (Medicine)

Alternates Present: Puthenvedu (Medicine), Gutterman (Medicine), Goldman (SSW), Schwank (Engineering), Nornes (LSA), Papaleontiou (Medicine)

Absent: Andrias, Blackburn, Burzo, Campbell, Chatterjee, Costa, Drach, Fenno, Gallo, Greve, Jacobsen, Kaartinen, Kannatey-Asibu, Larson, Mao, Mendlow, Menon, Noll, Schultz (by virtue), Shah, Shtein, Soloway, Toyama, Zhu

SENATE ASSEMBLY

September 18, 2018

Monday, 3:15

Forum Hall

Palmer Commons

3:19 Call to Order

Vice Chair Beatty called the meeting to order

3:20 Announcements

Vice Chair Beatty said that the next meeting will be on October 15th; the reason that this is the Regents' Candidates' meeting

Vice Chair Beatty announced that the Davis Markert Nickerson lecture will be on November 28th. The speaker will be Dr. Gene Nicol from the University of North Carolina (<http://www.law.unc.edu/faculty/directory/nicholgener>). The lecture from 4-5 in the Honigman Auditorium at the Law School. Dr. Gene Nicol has lost positions twice for reasons connected with academic freedom. He was not renewed as president of the College of William and Mary, where his actions as president were felt to be excessively controversial by the Board of Visitors and he was director of the University of North Carolina Poverty Center (2008-2015) until it was closed by the Board of Governors for publishing articles critical of the governor and General Assembly. The lecture committee feels he will offer some interesting insights on the subject of academic freedom.

The minutes for the April 16, 2018 were approved



Professor Beatty presented an outline of faculty governance, laying out the role of SACUA, the Senate Assembly and the Faculty Senate. She drew attention to the different levels at which rules are made ranging from the Regents' Bylaws to the Standard Practice Guide (SPG), in which the rules do not require Regental approval, and then to unit level rules, which, like rules in the SPG, are expected to be consonant the Bylaws. She pointed out that faculty governance is advisory, that SACUA appoints University committees, which are important for bringing faculty concerns to the attention of the central administration as each Vice President has a faculty advisory committee with which to discuss a wide range of issues affecting the interests of the faculty. In addition to the committees advising the executive officers there are the Administrative Evaluations Committee (AEC), the Building, Facilities and Infrastructure Committee (BFIC), the Civil Liberties and Civil Rights Committee (CLCR), the Committee on the Economic Status of the Faculty (CSEF), the Committee for an Inclusive University (CIU), the Rules, Practices and Policies Committee, and the Tenure, Promotion and Professional Development Committee. For a full list of committees and their charges see <https://facultysenate.umich.edu/senate-assembly/committees/>.

Vice Chair Beatty said that committees are expected to meet regularly (at least twice a semester), to follow agendas that are circulated in advance, keep minutes, which are sent to Robyn Snyder, the Faculty Governance Coordinator, and submit an end-of-year report through Ms. Snyder. Committees influence decision making by facilitating communication between faculty and senior administrators, communicating issues to SACUA and Senate Assembly and spreading information to faculty members. Annual Reports are made available through the Senate Assembly webpage.

Vice Chair Beatty said that additional SACUA responsibilities include work with the University Ombuds, oversight of the University Grievance Procedure, Planning and Hosting the annual Davis, Markert, Nickerson Academic Freedom Lecture, monitoring changes to the Standard Practice Guide insofar as they affect faculty interests. SACUA also oversees the University process for the demotion and/or dismissal of tenured faculty under Regents' Bylaw 5.09. She asked Senate Assembly members to be conscious of the Senate Assembly's role in faculty governance, to encourage their colleagues to take an interest in faculty governance, to be ambassadors for faculty governance and to communicate information about issues that arise to relevant groups. She asked that Senate Assembly members try to attend every meeting and, if that should not be possible, to communicate with Ms. Snyder so that a substitute could come instead. Vice-Chair Beatty concluded by inviting Senate Assembly members to suggest people to be invited in addition to mandatory presenters (the President, Provost and Faculty Athletic representative).

A Senate Assembly member asked about the purpose Regents Candidate Forum. Professor Beatty said there would be five candidates who would explain their philosophies and answer questions and that the forum offered an opportunity to remind Regents about faculty issues. She asked members to encourage their colleagues to attend the meeting

A Senate Assembly member asked about Universities where faculty senates are more engaged and represented their faculties more effectively than the Faculty Senate at the University Michigan. Professor Potter said that the culture of faculty governance was much stronger at, for instance, the University of California where service on the Faculty Senate was regarded as fulfilling a significant service obligation. He noted that people regard the Senate as important when there is a campus crisis, and that it would



be ideal if routine communication between faculty and administration was more robust. He said the executive officers did welcome input from people outside their normal orbits in the Flaming Building. He seconded Professor Beatty's encouragement to senate assembly members to engage their colleagues in the process. Professor Masten drew attention to the difficulty in obtaining a quorum for meeting of the faculty senate as an example of the problem facing the institutions of faculty governance. Professor Potter said President Schlissel was looking forward to a more robust faculty presence and urged people to urge colleagues to attend meetings at which he would be present.

3:55 Approval of Committee Membership and Charges

The committee membership and committee charges were approved with two abstentions.

3:57 Tri-campus Committee Resolution

Professor Lippert presented the resolution saying the committee would look at issues relevant to all three campuses, that it had support administratively and from past committee members. She said important issues include long-standing language in the Bylaws and in the faculty handbook that is not being interpreted in the same ways across all three campuses.

The resolution is as follows:

Be it resolved that a permanent Tri-Campus Committee of the Senate Assembly shall be established with a charge to consider points of interest delegated to it by SACUA such as those that relate to the relationship between the three campuses or policies across the institution.

The resolution was carried with one negative vote and one abstention

4:02 Changes to Senate Assembly Rules to allow Remote Attendance and Electronic Voting

Professor Masten discussed a resolution for consideration by the Senate that would authorize a mail vote under Article I, Section 6, paragraph 2 of the Rules of the University Senate, the Senate Assembly and the Senate Advisory Committee on University Affairs ("A mail vote by Senate members on any issue on which the Senate is competent to act may be authorized at any Senate meeting by a majority vote of those voting"). In addition to defining the broad jurisdiction of the Senate, the existing Rules delegate to the Senate certain specific powers, such as electing the Senate Secretary and amending its own Rules. The ability of the Senate to conduct this and other business has been impeded, however, by the repeated failure to achieve a quorum at Senate meetings; quorums have been reached only three times since 2004, the two most recent occasions during debates over the extension of the tenure probationary period (in 2011) and the release of teaching evaluations (in 2015). The lack of reliable Senate quorums has also thwarted proposals to address this problem by amending the Rules themselves. The proposed resolution, if adopted by the Senate, would get around this difficulty by using an existing provision of the Rules to authorize a one-time vote of the Senate by mail (or electronic equivalent) on future proposed amendments to the Rules.

As originally introduced by SACUA in September, 2014, the proposed action item is as follows:

Whereas, The Rules of the University Senate, the Senate Assembly and the Senate Advisory Committee on University Affairs (hereafter, the Rules) require a quorum of the Senate to conduct certain business; and



Whereas, A Senate quorum has proved difficult to achieve, thereby preventing necessary business from occurring; and

Whereas, The Rules (Article I, section 6, paragraph 2) provide that “A mail vote by Senate members on any issue on which the Senate is competent to act may be authorized at any Senate meeting by a majority vote of those voting;” therefore, be it

Resolved, The Senate hereby authorizes a one-time vote of the Senate to be conducted electronically on amendment of the Rules as may be proposed by the Rules Committee and approved by SACUA and the Senate Assembly.

Professor Masten noted that an alternative to the approach in the proposed resolution would be to exploit a provision of the Rules governing the Senate Assembly that authorizes the Assembly to act on behalf of the Senate (Article II, Section 2). Although this would seem to allow the Assembly to perform all of the functions of the Senate, the Assembly has, by tradition, refrained from taking actions (such as electing the Secretary or amending Senate Rules) specifically delegated to the Senate. An interpretation of the Rules that allowed the Assembly to change Senate Rules would introduce the potential for a very small number of Assembly members — a majority of an Assembly quorum, or around 20 individuals — to alter the fundamental structure of faculty governance affecting the roughly 3000 members of the University Senate.

Professor Masten also noted that, as originally written, the proposed resolution requires that the amendment that would be the subject of the mail vote must be “proposed by the Rules Committee” [since renamed the Rules, Practices, and Policies Committee, RPP]. He urged SACUA and Senate Assembly to consider whether to retain this condition, thereby restricting themselves to amendments proposed by RPP, if they decided to proceed with this resolution. Finally, he noted that part of the problem of achieving Senate quorums derives from the fact that many members, especially “regular” faculty, are not aware that they are members of the Senate, and he urged Senate Assembly members to remind their relevant colleagues (as defined by the Regents Bylaws and Article I of the Senate Rules) of their membership.

A Senate Assembly member asked why the Senate meeting did not scheduled for this academic year. Mr. Schneider said the Senate meeting was generally scheduled for March. A Senate Assembly member asked about convening simultaneous meetings in different locations. Professor Masten said this would be difficult to operationalize. Professor Lippert asked if there was literature to show that electronic voting increased participation. Professor Masten said this would be part of a debate as to whether or not it is a good idea to allow electronic voting.

Professors Malek and Potter responded to a question from a Senate Assembly member about the issues with which faculty governance deals by outlining topics discussed in SACUA (e.g. racism, freedom of speech, the grievance process, the ability of deans to sanction faculty member who have been found not responsible of violations of university rules by the Office of Institutional Equity).

4:42 Matters Arising

Vice Chair Beatty urged Senate Assembly members to be in touch with SACUA about issues that concern them.

4:44 Adjournment

Next Senate Assembly Meeting – October 15 2018



Respectfully submitted

David Potter
Senate Secretary

University of Michigan Bylaws of the Board of Regents, Sec. 4.01:

The University Senate

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

University of Michigan Bylaws of the Board of Regents, Sec. 4.04:

The Senate Assembly

The Senate Assembly shall serve as the legislative arm of the senate.

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.

Rules of the University Senate, the Senate Assembly and the Senate Advisory

Committee on University Affairs: In all cases not covered by rules adopted by the Senate, the procedure in Robert's Rules of Order shall be followed.