

Minutes of 2 March 2009
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THE UNIVERSITY OF MICHIGAN
Senate Advisory Committee on University Affairs

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MINUTES OF THE SACUA MEETING OF 2 MARCH 2009

Present: Fraser, Frier, Frost, Navvab, Poe, Potter (Chair), Riles, Stark, Thouless; Lehman; Carr, Schneider

Absent: none

Guests: Mary Sue Coleman (University President), John King (Vice Provost), Katie Bauer (vice provost's office), Mary Jo Frank (U-M News and Information), *Michigan Daily* reporter, K. Brown (*University Record*)

Materials Distributed

1. Draft agenda
2. Draft minutes of the SACUA meeting of 9 February 2009
3. Federal Appeals Court Upholds Financial Protections of Tenure in Case From Puerto Rico, by P. Schmidt. *The Chronicle of Higher Education*, 20 February 2009.
4. Professors' Freedoms Under Assault in the Courts, by P. Schmidt. *The Chronicle of Higher Education*, 27 February 2009.
5. Proposed CESF motion, dated December 2008.

Chair Potter convened the meeting at 3:16 P.M. The proposed agenda was adopted.

CONSIDERATION OF MINUTES

The minutes of 9 February 2009 were approved as submitted.

EXECUTIVE SESSION

The meeting entered executive session immediately. Discussion topics included (1) scheduling another executive session meeting for 18 March 2009 at 4:00 P.M. 5075 Fleming, and (2) actions by a Grievance Review Board. The meeting entered open session at 3:30 P.M.

VISIT OF UNIVERSITY PRESIDENT COLEMAN

The guest arrived at 3:30 P.M. The president reported that she and other college presidents addressed the Detroit Economic Club and other groups last week to describe the Life Science Corridor as well as other potential research collaborations with industry. She also announced that a new EVPMA has been named and will begin her duties at the U-M in May.

Budget

The president will testify before the House Budget Committee in Lansing tomorrow. The presidents of MSU and Wayne State University will testify as well. Language in the Federal Stimulus package seems to suggest that university budgets cannot be reduced below 2008 levels. At this point, the U-M has not used any one-time money to pay for on-going costs, and the U-M administration has no intention of creating a structural deficit now. The governor has asked universities to consider freezing tuition, but it is hard to imagine how to do so without creating a budget crisis in the future. The U-M is working to develop initiatives that can take advantage of the expected infusion of money to federal agencies. The U-M has also submitted to the state a list of possible building projects totaling \$300M, but whether the money will be used for higher education projects is unknown.

Pfizer Property

The current foci of interest are environmental issues and building infrastructure. So far, reports have not indicated any problems or concerns.

Residency Policy

Chair Potter said that the residency requirements for in-state tuition changes seem to be overly inflexible. The president suggested that the relevant administrators be invited to meet with SACUA for discussion. She said that the Regents have imposed a policy which the committee has tried to enforce in a fair way.

Bowl Game Travel

The president said that she has not made a decision about a policy for reimbursement of Academic Performance Committee members for travel to bowl games.

Repatriation of Native American Artifacts

The president said that the OVPR is responsible for overseeing the way artifacts are handled, and that there are differing opinions about the law. She said that she could inquire further with the Office of General Counsel to learn whether they have issued an opinion. Professor Frost asked her to do so.

Partnerships Abroad

The president said that she is unaware of any changes to U-M partnerships that have been affected by the current world economic climate, but that other universities have made changes.

Academic Freedom

Professor Frier called attention to distributed item 4, and pointed out that academic freedom and the right to criticize university administration are being weakened by the courts. He suggested that the U-M formulate policy stating that it would not retaliate against internal critics.

The guest left the meeting at 3:15 P.M.

VISIT OF VICE PROVOST JOHN KING

The guest and K. Bauer arrived at 3:15 P.M. He said that he had been asked by the provost to look into the U-M's copyright policy and that he established a committee in response. Ongoing discussions have focused primarily on specifics of the policy itself and the changing nature of copyright. Both legislative actions and consent decrees have blurred previous distinctions. Tentative conclusions are (1) there seems to be no need to change Regents' Bylaws, (2) documentation needs to be clarified particularly at the SPG level, and (3) default position regarding assignment of copyright. He said that the U-M is starting to take a more activist position with respect to the restrictions imposed by publishers.

Chair Potter asked about the future of University Presses, and the vice provost noted that many university presses across the nation were economically distressed, but not because of copyright issues. He added that there was general recognition of the fact that presses served an important role in the Social Sciences and the Humanities, and that there was recognition of the value added by University Presses to scholarly work through the review and editing process, but that the current model for the production and distribution of books warranted examination. The vice provost said that enforcement of copyright has broken down because it is almost impossible to control the media any longer.

Professor Frier pointed out that Regents' Bylaws put faculty in an awkward position when they execute copyright agreements with publishers. He added that faculty are being actively encouraged to post entire texts to CTools, which he thinks is wrong to do. The vice provost replied that the situation is in flux and that he is hopeful that his committee will be able to develop a helpful report.

The guest left the meeting at 5:00 P.M.

ANNOUNCEMENTS

1. SACUA has received a report from the committee on recreational sports, and the chair will circulate it.
2. Chair Potter asked Professor Frier to develop a Regents' Update discussing faculty issues in the courts.

OLD/NEW BUSINESS

A charge to the Faculty Hearing Committee will be an agenda item for the SACUA meeting of 9 March 2009.

The meeting adjourned at 5:10 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.
