

Minutes of 28 July 2008
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MINUTES OF THE SACUA MEETING OF 28 JULY 2008

Present: Fraser, Frier, Potter (Chair), Riles, Stark; Arents, Carr, Manwell, Schneider

Absent: Frost, Lehman, Navvab, Poe, Thouless

Guests: S. Scarnecchia (Vice President and General Counsel), C. Gerdes (Assistant General Counsel), E. Rothman (Chair, Athletic Academic Advising Committee), K. Brown (University Record), D. Gershman (The Ann Arbor News)

MATERIALS DISTRIBUTED

1. Draft agenda
2. Draft minutes of the SACUA meeting of 16 June 2008
3. Draft minutes of the SACUA meeting of 14 July 2008
4. Memorandum from SACUA Chair David Potter to SACUA regarding CIC Faculty Governance Leaders' Conference, dated 28 July 2008
5. [Member submission report from Keith Riles and Rich Friedman to SACUA regarding the Bachelor of General Studies Degree, dated 28 July 2008](#)
6. Electronic mail correspondence from Tom Schneider to Suellyn Scarnecchia and Christine Gerdes including SACUA's questions for the guests, dated 24 July 2008
7. 2008-09 Senate Assembly Membership Lists
8. SACUA/Senate Assembly Planning Schedule, updated 28 July 2008

Chair Potter convened the meeting at 3:04 P.M.

APPROVAL OF MINUTES

The minutes for 19 May 2008, 16 June 2008, and 14 July 2008 were approved.

APPROVAL OF AGENDA

Professor Riles requested a change in the agenda: he asked that, for the first 10 minutes of Professor Rothman's visit to the meeting, he be allowed to present a report by Professor Rich Friedman and himself regarding the Bachelor of General Studies degree. There was discussion about the request; some SACUA members said that without time to review the report, they were

uncomfortable about making the change to the agenda. Chair Potter moved that SACUA consider the request to amend the agenda. Two members were in favor of the change, three members were against. The agenda remained as submitted, without the requested change. Professor Riles expressed frustration that he was being unfairly suppressed. Professor Fraser disagreed, saying that SACUA did not reject the report, but simply chose not to change the current agenda. He encouraged Professor Riles to introduce the report to SACUA later, so that members could review it before taking action. Both Professors Fraser and Potter stated that Professor Riles could raise the topic under “Old/New Business”.

ANNOUNCEMENTS

Chair Potter announced:

1. Letters of congratulations have been distributed to Semyon Meerkov for the Distinguished Faculty Governance Award, to Donna Hayward for the University Librarian Recognition Award, and to Traianos Gagos for the University Librarian Achievement Award.
2. Chair Potter and Professor Frier will meet with Associate Vice President and Chief Human Resources Officer Laurita Thomas on 30 July
3. Professors Fraser and Potter met with President Coleman on 23 July. Discussion included library resource issues, enrichment of cooperation between Ann Arbor and the University for heightened attractiveness of campus to potential faculty, and admissions policies about applicants interested in other UM campuses if denied admission to their first choice. There was discussion of the possible implications such a change might have. Professor Fraser noted that he plans to learn more about the issue.
4. Professors Stark and Potter met with Provost Sullivan on 22 July to discuss a variety of topics, including the attractiveness of the Ann Arbor campus, the Rackham Continuous Enrollment proposal, and the need for more available faculty for the Bridge Program. Chair Potter noted that the Rackham Executive Board has been invited to speak with SACUA, and the earliest available time for the Board is in October. It was agreed that, in addition to meeting with the Rackham Executive Board, SACUA will invite Rackham Dean Janet Weiss and any relevant policy-writing staff for discussion of the issue.

CIC FACULTY GOVERNANCE LEADERS’ CONFERENCE

Chair Potter reported that the annual CIC Faculty Governance Leaders’ Conference will be held in Ann Arbor this year, October 31 and November 1 in the Michigan Union. Approximately 30 attendees from other campuses are expected. The individuals currently scheduled to speak are:

- Ed St. John: Paying for Higher Education/Budget Models for Public Universities
- Edie Goldenberg: Tenure Track vs. Non-Tenure Track Faculty Composition

Other possible topics for speakers were discussed. Chair Potter asked SACUA members to make any suggestions for topics or speakers that they would find appropriate. He will circulate the list of possible ideas to CIC faculty leader attendees for further suggestions.

Vice President Scarnecchia and Assistant General Counsel Gerdes arrived at the meeting at 3:30 P.M.

MEETING WITH VICE PRESIDENT AND GENERAL COUNSEL

Chair Potter welcomed the guests and thanked them for their attendance. Vice President Scarnecchia distributed her C/V, and spoke briefly about her academic and professional background. Ms. Scarnecchia is very familiar with the University of Michigan, as she grew up in Ann Arbor, attended law school at Michigan, and worked as a clinical faculty member of the Law School for a number of years through the Child Advocacy Law Clinic. Most recently, she has been the Dean of the University of New Mexico School of Law. She has been in her current position for nearly two months. In addition to serving as Vice President and General Counsel, she has regained her appointment in the Law School as a Clinical Law Professor. Vice President Scarnecchia reported that she tends to allow staff to drive the majority of cases, but she is constantly updated about case progress, as she reports very regularly to the President and the Regents. She noted that she is very eager to begin meetings and work with her faculty governance advisory committee.

Grievance Procedure

Vice President Scarnecchia asked SACUA members to share their reflections on how well the Office of General Counsel works, and how members see the office. She noted that positive and negative feedback would be helpful. Professor Fraser asked Vice President Scarnecchia how she sees the Office fitting into the faculty grievance process, particularly when a dean may be overstepping his/her authority. The Vice President said that question of whether an issue falls under the Regents' Bylaw 5.09 can be a topic for which the Office of General Counsel can advise administrators on the legal consequences of certain cases, but that the Bylaw must be applied on a case-by-case basis, and that decision is for University policymakers, not the Office of General Counsel. There was discussion of the difficulties with the current grievance procedure, which requires that for a grievance by a faculty member against his/her dean, the dean is the individual who determines the veracity and appropriateness of the grievance. Also discussed was the problem of the "gray area," which occurs when termination or demotion are not expressly applied, but the grievant clearly does suffer consequences from a particular action. What results is a de facto punishment without invocation of the 5.09 Bylaw, called "constructive demotion," or "constructive dismissal." Vice President Scarnecchia thanked SACUA for the feedback about this issue, and said that she looks forward to learning more about this issue.

Alumni Association and Student Lending

SACUA members asked Vice President Scarnecchia about details of the involvement between credit card companies and the UM Alumni Association. She reported that although she is aware of the alleged agreement, she does not have any details. There was discussion of the nature of credit card companies and their relationship with Undergraduate students. It was suggested that the Alumni Association be invited to a future SACUA meeting so that members could learn more about the financial literacy/education provided to students who choose to sign up for credit cards through the Alumni Association. Although the exact nature of the relationship between the University and the Alumni Association is unclear, some members argued that the fact that the University name is associated with the card means that the University has some responsibility to make sure that students are not put at risk.

Vice President Scarnecchia and Assistant General Counsel Gerdes left the meeting at 4:00 P.M.

Professor Rothman arrived at the meeting at 4:00 P.M.

EXECUTIVE SESSION

The meeting entered executive session at 4:03 P.M. to discuss the membership, charge, timeline, and other details of the new Athletics Academic Advising Committee.

Professor Rothman left the meeting at 4:44 P.M.

SACUA members discussed selection for remaining Senate Assembly Committee membership.

The meeting adjourned at 5:04 P.M.

Respectfully submitted,

Emily Arents
Secretary Pro-tem

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.