THE UNIVERSITY OF MICHIGAN
REGENTS COMMUNICATION
ITEM FOR INFORMATION

SUBJECT: Action by University Senate under Regental Bylaw 4.01

The University of Michigan faculty Senate met on Monday, 21 March 2011 to consider a proposal from the administration to extend the tenure probationary period by amending Regents' Bylaw 5.09. Having achieved a valid quorum, following discussion, and in accordance with the Senate's published Rules the senators in attendance cast secret ballots on Action Items pertaining to the tenure issue. Prior to casting ballots, the University Senate was informed of the provisions of Regental Bylaw 4.01: "The Senate is authorized to consider any subject pertaining to the interest of the University, and to make recommendations to the Board of Regents in regard thereto. Decisions of the University Senate with regard to matters within its jurisdiction shall constitute the binding action of the University faculties…." Consequently, senators had every expectation that they were offering judgment in solemn council with the Board of Regents

1. The University Senate affirmed Action Items previously adopted and affirmed by the Senate Assembly that express reservations about any changes to Regents' Bylaws concerning tenure.

ACTION ITEM
"The University Senate affirms the Senate Assembly Action of 24 January 2011 (Action Item 012411-2):
'Resolved, that the January 23, 2006 Action of the Senate Assembly (No. 012306-1) expressing significant reservations about any changes to the existing Regents' Bylaws concerning tenure is hereby affirmed.' "
Number approving- 70
Number disapproving- 42
Abstentions of record- 8

This action by the University Senate reinforced an action of SACUA on 20 December 2010 stating that SACUA re-affirms 2005 actions of SACUA (item 102405-1) and the Senate Assembly (item 103105-2) in opposing any change to Regents Bylaw 5.09 to extend the maximum tenure probationary period.

2. The University Senate approved alternative policy for accommodating valid rationales for granting exceptions to the tenure probationary clock by amendment of the Standard Practice Guide.

ACTION ITEM
"Are you in favor of amending Standard Practice Guides (SPG) 201.13 and 201.92, which allow only a one-year stop of the tenure clock, to permit a possible two-year stop and to expand the specified, permissible reasons for stopping the tenure clock?"
Number approving- 83
Number disapproving- 35
Abstentions of record- 2

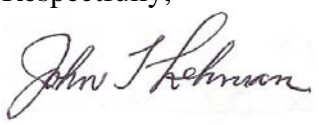
By majority vote, the University Senate rejected a motion to extend debate and discussion of the administration proposal as well as a motion to grant faculty members the option to automatically stop their tenure clock for one year at a time, up to two times, at their discretion and without need of approval.

Action Items 1 and 2 of the University Senate constitute its recommendations to the Board of Regents in accordance with RB 4.01. Under RB 4.01, the vote should be regarded as definitive, superseding all other advisory actions by the university faculties acting within their respective authorities. Professional qualifications for tenure are evaluated within individual units, but academic policy for the whole of the University affects institutional climate and stature. As agents of the University Senate, SACUA asks you to respect the compact between the faculty and the Regents, and to set aside any proposal to modify Regental Bylaws regarding tenure. As you see, the Senate overwhelmingly favored a policy alternative that involves amendments to the Standard Practice Guide, rather than any changes to Regental Bylaw 5.09.

The University Senate believes it is unwise to alter the Bylaw that establishes protections of due process in academic employment when there are policy alternatives, and when the alleged need applies to a small minority. Proponents of the administration proposal come largely from a unit that was richly represented at the Senate meeting. Convictions must be deeply held for so many others to express their majority opposition. Under the operating rules of the University, the University Senate is the appropriate forum for deliberation about university-wide academic policy, especially when the alleged problem is regarded skeptically by the general faculty. Under RB 4.01, the Senate vote was valid and deserves to be treated as definitive. We believe that actions by the Board of Regents to discount the actions of the University Senate would be precedent-setting, contrary to ideals of shared university governance, and a blow to the reputation of the U-M in the eyes of our academic peers.

(Submitted April, 2011)

Respectfully,



John T. Lehman
Senate Secretary

Regents' Bylaw 4.04. 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.