THE UNIVERSITY OF MICHIGAN
REGENTS COMMUNICATION
ITEM FOR INFORMATION

SUBJECT: Regents Bylaw 5.09

The recent unanimous vote by the Regents of the University of Michigan to approve a change in Regents Bylaw 5.09 to extend the tenure probationary period from an eight year maximum to a ten year maximum was a stunning blow to faculty governance at the University of Michigan. By this single bureaucratic stroke, which we are fully cognizant that the Regents sincerely believe to be "enabling", a turning point has been reached that significantly widens the gap in understanding between the administration and the faculty and that has extremely serious implications not only for due process but more importantly, for the careers of young faculty now at the University of Michigan and the recruitment of the best faculty in the future. More importantly, it calls into question whether a functional partnership exists between the University and its faculty in decision-making, particularly on matters of such moment.

The elected faculty representatives to the Senate Assembly opposed this change in the Bylaws by public votes in 1995, 2005-6 and 2010-2011*, each time after deep deliberation and consideration for the ensuing consequences of such a change. Faculty generally support extensions of tenure clocks for individual faculty members facing extraordinary circumstances in their private lives. Our contention was that the safeguards to preclude possible negative consequences of a change in the tenure probationary period should have been put in place before the proposal was brought forward. The change in the tenure probationary period, if it came at all, should have come only after we, the faculty and administration of the University in all schools and colleges, had done the important and necessarily difficult task of modifying the tenure guidelines to meet the needs of scholars and researchers in 21st century academia.

The recent Regental vote changed the whole tenure landscape, and threatens the integrity of the tenure system.

In 2008, the following Regents' Update was submitted by SACUA. We would like to reaffirm these statements:
"Academic freedom is the liberty to teach, pursue and discuss knowledge freely and without interference or restriction by the administration of the University, by faculty colleagues or by others external to the University. It is essential that, when the University makes decisions with respect to teaching or research, those decisions are made on the basis of criteria established by the professoriate and independent of external political pressure or internal administrative fiat. The preservation of academic freedom requires a system of "shared governance" in which faculty, selected by their colleagues through the established governance system [the Senate Assembly], and the administration share the decision-making authority. As our University adopts a more corporate style of management, faculty governance becomes more crucial to the protection and preservation of a liberal education. No university in this country is or can be among the top universities unless it cherishes academic freedom and has in place a strong and well-constructed system of governance shared between faculty and administration.

The Bylaws of the Regents of the University of Michigan grant to the faculty extensive rights to participate in and to oversee the management of the University. Unfortunately this role, delegated to the faculty is at times not recognized by [those] who administer the University. Shared governance is of utmost importance to the University not only because it protects academic freedom, but because it strengthens the academic programs of the University and allows the University to keep its position among the top institutions of higher education." (http://www.ur.umich.edu/0708/Jan28_08/12.shtml)

Furthermore, we note with great concern the following official statement by the university: "The university countered that the decision to change the probationary period will ultimately belong to the governing faculty in each school or college, as it already does. "That's faculty governance," said Rick Fitzgerald, a spokesman for the university." The organs of central faculty governance were established by the Regents to speak for the faculty in all matters that transcend a single unit. A change in a Regents Bylaw that affects all units is just such a matter. To dismiss the role of central faculty governance because it disagrees with the administration, and to re-define the voice of faculty as being that which echoes the voice of the administration is a dangerous attack on the entire concept of faculty governance at the University of Michigan.

For example, the "executive faculty" of the Medical School has been defined in its Bylaws as including, in addition to instructional track faculty (i.e. tenure track faculty who are members of the Faculty Senate, whose membership defines the "governing faculty," of the University's Colleges and Schools), clinical track faculty and research track faculty. These two groups, which vastly outnumber the instructional track faculty in the Medical School, are not subject to the tenure process and, since they are not members of the Faculty Senate, should not be voting on matters that are the province of the governing faculty (this was also affirmed in votes of the Senate Assembly in January and March, 2011). These faculty members, who are not subject to the rules they enact, are empowered to vote on the procedures that will be implemented as the tenure probationary period is extended. In other schools and colleges, including the Engineering College, these decisions will be made by the executive committee, rather than the faculty as a whole. When small groups are empowered to make critical policy changes to tenure procedures without reference to the governing faculty as a whole, consensus becomes very difficult to achieve. In a matter such as this, consensus is crucial.

As defined by Regental Bylaw, members of the Senate Assembly, who have been elected as representatives of their schools and colleges and charged to speak for the faculty they represent, and we, the members of SACUA, who are similarly elected and charged by the Senate Assembly, represent the governing faculty of this University. We should be critical partners with the administration in university governance and major decision making, just as we are critical partners in the functions that make a university great—our teaching, research and service.

*University Senate vote of March 21, 2011, Senate Assembly vote of January 24, 2011 and October 31, 2005, and SACUA vote of December 20, 2010 and October 24, 2005

TE Schneider

Thomas Schneider, Director
Signing on behalf of the present and immediate past SACUAs
and two other past SACUA Chairs

(Submitted April, 2011)

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.