

WAYNE STATE UNIVERSITY  
ACADEMIC SENATE

PROCEEDINGS OF THE POLICY COMMITTEE

October 10, 2022

Present: D. Aubert; M. Barnes; L. Beale; r. hoogland; P. Khosla; M. Kornbluh; N. Rossi; B. Roth; S. Schrag; N. Simon

Absent with Notice: J. Lewis

I. APPROVAL OF PROCEEDINGS

The October 3, 2022, proceedings were approved as submitted.

II. REPORT FROM THE CHAIR

The chair had nothing new to report.

III. REPORT FROM THE SENATE PRESIDENT

Anti-bullying Statement and Campus Policing: Boris Baltes (AVP) will be setting up the anti-bullying statement on the provost's website and has requested Policy to review the information prior to posting. Linda Beale questioned if Policy should request the general counsel to approve the anti-bullying statement and make it a university statement. Provost Kornbluh suggested inviting the new general council (Mike Poterala) to Policy to discuss this amongst other issues. Beale would also like to discuss the campus policing issue with general counsel. Brad Roth recommended inviting Jennifer Wareham (Criminal Justice, CLAS) to Policy as well for that discussion.

Standing Committee Member Change: Beale reported a scheduling conflict for a new Senate member. Policy members agreed to switch Suresh Balasubramanian, at his request, from the Curriculum and Instruction Committee to the Faculty Affairs Committee and to remove him from the DEI Committee.

University Health Center Announcement: Dean Wael Sakr announced a new student center in the School of Medicine's University Health Center.

Administration Communications: Beale raised the issue of administration communications sent out over the last week or so that miss the mark in terms of tone and information.

For example, C&IT sent an email to WSU employees about five-digit dialing not being available as campus telephones migrate to Microsoft Teams as part of the Unified Communications Project, and a workaround was provided. A correction email was sent the next day with an updated workaround. Clearly, a correction email was appropriate; however, the original and follow-up email started with instructions without a simple, up-front explanation of the context. Many people on campus may not have known about the Unified Communications Project or

been aware of what is involved in the switch. Communications from C&IT need to be more thoughtful about how people who are not fully informed may respond.

Testing, Evaluation and Research Services also sent a communication about instructor exam scoring services. This announcement came across as an ad promoting a business, again missing the mark of a good academic communication with faculty about the service offered.

Finally, the Office of Teaching and Learning (OTL) sent out a communication regarding matching assessments with desired learning outcomes. Beale noted that the information and tone came across as condescending to faculty. Roth agreed, suggesting that this was one example of what seems to be a broader culture clash between OTL and experienced faculty: the manner of communication is counterproductive as well as insulting. Beale noted that this patronizing attitude towards faculty has been evident in OTL's discussion of Richard Pineau's academic integrity module. Despite the vetting, support and recommendations from multiple Senate standing committees, the Policy Committee and other faculty groups, OTL still resists posting the module to the list of resources available for faculty.

NYU Article: Policy members had exchanged comments and discussion via email about the NYU chemistry professor (a retired professor now working for NYU on a contingent basis) who was fired after about one-fourth of his students said his class was too hard. The discussion was concerned with the notion in much of the commentary that somehow *any* failure of any student is the faculty member's fault. Beale agrees that faculty should provide support and be willing to mentor students and help those who seem to be flailing. Nonetheless, students also need to be willing to put in the work necessary to succeed and be willing to ask for the help they need: it is not always the fault of faculty. There is value in having rigorous standards and in providing student support: it's the balance that is needed.

Roth noted that one of the problems may be that grades in "gateway" classes like organic chemistry (which is needed to get into medical school) seem to be either As/Bs or Ds/Fs: he suggested most of those with low grades likely do learn enough to get Cs. There are many things students may learn in organic chemistry—concepts that do not put students perhaps in a strong enough position to go to medical school but that nonetheless should be worthy of a passing grade that provides credit towards a degree. Further, it seems that some students may have a sense of entitlement to a good grade, and that can be deeply problematic for learning.

Rossi commented that for some students it may be a question of *when* the individual is going to finally hit the wall. Is it going to be in high school? Is it going to be in organic chemistry? Will it be on step 1 of their med boards? Or will it be when they are in court for malpractice because they can't justify the action that they took in their medical practice? There will be no gloves at that final stage—nor should there be. We are seeing a change in the medical school where students are no longer learning processes of how the body works. There is friction between the medical school faculty and the office of teaching and learning: they've told the students they don't need to read the notes, they can just use outside sources (i.e., YouTube) that may not be vetted. They are asked multiple-choice questions as assessment mechanisms, but patients don't come with multiple-choice options on their chest, and even if they did, the answer might often be "all of the above."

Kornbluh agreed that medical education has changed dramatically with the idea that application is the highest level of knowledge, and these question banks are at the center of what the best medical schools are doing with education. His daughter graduated Johns Hopkins where the curriculum was reorganized around these step questions and the ability to reason through them: that is the key to success on both step 1 and step 2 and each of the shelf tests they have to take. Rossi agreed that the multiple-choice step test can work if the school has a curriculum that appropriately develops the reasoning process, but they are hard to do. Nonetheless, Kornbluh said, taking refuge in a 1990s curriculum isn't the answer either.

Beale agreed that we cannot “take refuge in 1990s curricula” or refuse to use new methods, but she pointed out that there are still questions that come into play of student aptitude, engagement, and willingness to do the work necessary to learn the material. She came back to the attitude—displayed in some of the literature and even underlying some of the OTL materials—that if any student does poorly (such as making a C- when they wanted an A), it must be the faculty member's fault for not teaching well.

Pramod Kholsa added that we are living in a system based on two pillars: 1) students are paying money for which they expect to get something and 2) we have a legal system where people get sued. If you start looking at other models in other countries, the outcomes are different. We have not kept pace with the current system (legal and financial). We are applying standards from when the world was completely different.

Beale suggested one of the problems is that students take courses that they may not be prepared for or may not have an aptitude for. They have this notion that they want to be X and maybe they learn through taking that course that they want to be Y. That's actually a good outcome, in that they have learned more about their own interests while being introduced to the subject. Kholsa's point that students have expectations and may even sue if they are not met is important, but it misses these other aspects of what learning is about. That's where Roth's point is relevant that it shouldn't be just As and Fs: students should be able to take a course in which they may not learn enough to go on to the next advanced course but should still be able to get credit for what they have learned with an “average” grade of C or C-.

hoogland suggested students are being cheated out of an education if we take their money and do not offer them difficult classes—it's ethically wrong. They should be challenged and learn to deal with adversity. They should get more than just a topic or subject: they should learn to learn, learn to be in the world and deal with difficulties. Giving everyone an A or no grades whatsoever is not justifiable.

Khosla agreed but questioned the expectations of those who pay. Is it to pass? Is it to get a good education? Is it just to get a certain grade so they can move on to the next step? These things will continue to collide. He grew up in a system where nobody had to pay for an education, and that was a very different model.

Simon added that she has heard faculty complaints about first-semester students who come to class unprepared and don't turn in assignments. When faculty reach out to the students to offer help, there is dead silence. You cannot pass a student who does not turn in any of the work.

Rossi pointed to the decline in people wanting to go to college because they do not see it as helping them. On the flip side, an education isn't something that people can give you: it takes work by students. That is a mindset that needs to be fostered.

#### IV. COMMUNICATIONS AND REQUIRED ACTIONS

##### A. Presidential Search Listening Session with Faculty and Academic Staff

Beale had suggested postponing the listening session to October 18 since no announcement went out last week, but Board sent an email announcement out today for Thursday's session. That likely means there will not be a large crowd, since faculty did not have time to plan around attending.

Board of Governors Chair Mark Gaffney indicated he would like to limit questions to the in-person audience rather than have a Zoom set-up that would allow live questions from a virtual audience. Barnes was concerned that would not promote a sense of equity or of wanting feedback. Rossi agreed, especially with the short notice.

##### B. Selection of Senate Parliamentarian (new nominees needed)

Policy discussed a potential Senator for the role of Parliamentarian. Beale will follow up to confirm willingness to serve.

##### C. Center for Urban Studies Charter Review (BOG statute [here](#)) (distributed last week)

Policy members were asked to review the charter in advance of the meeting. Jennifer Lewis (who could not attend today's meeting) sent comments that the center's achievements in funding and publications warrant re-chartering, but an external review would be helpful to provide a broader perspective. She also suggested the center could do more to make faculty and students aware of its work and the opportunities it presents.

Beale pointed out three things that may be worth considering: 1) a previous provost told this center when it was first organized not to have an advisory board; 2) the material provides considerable information about what the center does, but the absence of systematic tracking of outcomes of any of the various programs raises questions about success; 3) the CIAC I committee's review proposed that General Fund monies be provided for an FTE staff position. She recommended Policy provide a supportive memo to the Provost on re-chartering and that the memo indicate that we believe the center should pay more attention to tracking the productivity of its work—especially with regards to students and community research. She suggested the memo also support creation of an advisory board that includes members of the community interested in the work the center does. She was reluctant to include support for an additional

General Fund allocation for an FTE staff position. Policy members agreed, and Beale said she would try to circulate a draft memo by the end of the week.

D. Post-Roe University Committee Subgroup on Student Vulnerabilities Draft Recommendation for a “student event response team”

Beale shared with Policy members a draft produced by a student vulnerabilities subgroup of the Post-Roe University Committee which included primarily a draft recommendation for a “student event response team” (SERT). While the materials and the two examples at other schools use words about supporting students, being helpful and avoiding problems, it raises concerns of becoming essentially a “morality police” that may squelch controversial discussions. Beale shared her concerns with the post-Roe committee, including a potential tilt towards unconstitutionality in terms of free speech rights, especially since the language is quite vague regarding exactly what the role of such a team might be. Committee member Jon Weinberg (Law) raised similar concerns. Committee member David Strauss (DOSO), however, shared an email with members in response that was supportive of the SERT idea as helpful to students who may feel that a conversation is ‘unsafe’.

Roth pointed out that his response was the same as Weinberg’s and Beale’s. It seems there are contradictory understandings of what this is about. When activists talk about this kind of approach, they are either not aware of the legal constraints or they reject and are willing to defy the legal constraints. It’s one thing to be supportive or informative, and it’s another thing to take the position that certain kinds of conversations are ‘unsafe’ for people and need to be shut down. That’s not a standard because it is based upon people’s subjective reactions to what is said at any given moment.

Barnes pointed out that students frequently use the term ‘unsafe’ and similar buzzwords when they feel something is not going the way they want. He is concerned about the threat to discussion and freedom of speech that can occur whenever something is said in opposition that someone considers unsafe. This SERT concept is simply too vague to be workable.

Roth said one of the tendencies in these situations is that questions of principle and policy are reduced to questions of identity. If there are questions of identity, people respond that it is not permissible to debate someone’s legitimacy so it is claimed not to be a free speech issue. The argument made is that those articulating such positions that are considered dangerous to listeners’ identities should be held accountable. The irony is that this was an argument perfected on the political right that has been appropriated by people who think of themselves as being on the left.

One of the issues Beale discussed with Roth and Weinberg is that free speech includes so-called hate speech: that is, people are free to make statements that most of us find hateful. It is worrisome if this SERT concept encourages student groups to avoid controversial issues rather encouraging them to approach such issues in a way that acknowledges the university’s academic mission of inclusion.

Roth pointed out that an earlier University of Michigan (UofM) lawsuit has called attention to this issue. This goes back to the anti-bullying issue: the Student Affairs Committee had come up with a range of things to accomplish and the general counsel's office kiboshed all the significant items on grounds that Speech First's lawsuit against UofM resulted in a favorable preliminary ruling on procedural grounds that led UofM's general counsel's office to fold in a settlement agreement, closing down the response team created to deal with bullying. The response team wasn't even empowered to engage in anything that could lead to discipline. The idea behind the settlement was that if the anti-bullying response team was engaging with people who did not want to be engaged with (i.e., people being accused of saying things that made people unsafe), that alone was chilling and a violation of the First Amendment. Roth disagreed with the way our general counsel read the preliminary decision in that case, but it demonstrates the current sensibility judicially among lawyers who deal with this in contrast to the attitude of activists who argue that anything that makes people of particular characteristics feel emotionally unsafe should be dealt with in some exclusionary way.

Aubert asked for more context about members on the subgroup. Beale responded that she did not know which members of the committee comprise the subgroup that put this recommendation forward, though it appears that David Strauss is either chairing that subgroup or a participant on it. Hoogland questioned what is unsafe about a conversation about Roe V. Wade and the Dobbs case's overruling of it. She finds it problematic if someone is pro-life, but it doesn't make her feel vulnerable: using the word 'vulnerable' when people have divergent views or convictions is itself a problem. Kornbluh explained that the rhetoric around this has been inflammatory: people do feel vulnerable if they are labelled a murderer for having an abortion. Hoogland added, though, that we cannot prevent those types of unpleasant conversations from happening on campus: perhaps students who feel attacked when they are called names should be referred to CAPS. Barnes said the only part of the recommendation he can support is the determination to remove outside groups who haven't received a required permit for demonstrating on campus. We should not be stifling one side or the other.

Aubert agreed that a student who has had an abortion may well feel vulnerable given the current status of legal and cultural change. She asked if the report will also deal with other medical issues, such as access to contraception and abortion pills and other concerns. Beale explained that the report is intended to deal primarily with potential issues even if abortion remains legal in Michigan (the expected result of the referendum on the 2022 ballot) and also note points that will be important to consider if the 1931 law banning abortion in Michigan is treated as the law. It will also consider the impact on education—especially medical education and the need for residency positions for our students when it is expected that schools in states around us that do not allow abortions will seek opportunities for their students here. Rossi agreed that availability of training positions is a real issue for those wanting to go into OBGYN.

Beale explained that the report also will address other questions around expanding some of the university's health plans. About half the people on campus are currently in a plan that doesn't provide abortion coverage: should that be expanded and what is the cost? If the 1931 law were treated as the law of the state, should the university support travel to another state that provides legal abortions?

hoogland commented that the larger problem is the criminalization of the female body and state legislatures' making these kinds of decisions. Beale agreed, noting that there is increasing evidence of doctors who are hesitant to perform a medically necessary abortion until the last minute because they are fearful that they'll go to jail and of pharmacists who refuse to provide prescribed medication that to be used for other treatment purposes but also can affect ability of women to bear children.

Rossi noted that we have to be able to live with people who have ideas that are different than our own, so long as their actions are within the law and they don't harass, demean or obscure another's rights.

Kornbluh did not think this draft recommendation would likely be put forward in its current form since it had not been informed by legal advice.

## V. REPORTS FROM LIAISONS

Research Committee: Rossi reported that the Research Committee has determined when they are meeting and set their priorities. They will be discussing expedited IRBs in their next meeting. A recommendation was made on research misconduct last year that was shared this with the current Research Committee. The document interfaces with our relationship with the Office of Research Oversight in Washington, D.C. There are certain rules that have to be followed, and we want to make sure we stay within the confines of what the government will allow us to do. Therefore, a recommendation was made that did not involve changes to the language of the research misconduct policy document. The committee would like to discuss this further with the new general counsel. Tim Stemmler (VPR) will be providing a list of centers and initiatives, and he will present at an upcoming Research Committee meeting. Indirect cost will be also discussed.

DEI Council Executive Committee: As Policy liaison to the DEI Council Executive Committee, Roth attended his first meeting last week. There was a report on the August discussion with Policy, and he was able to correct some misconceptions that were communicated. He pointed out Policy's concerns about making statements discoverable in litigation that give rise to inferences that we are acting inconsistently with the Michigan constitution and was able to get across to them what the concern was. Most people were affirming. They also want to institutionalize the DEI council to make sure it continues past the current president: there is talk about such a plan going forward to the Board of Governors to seek a mandate. There were questions about what that mandate would be: Roth pointed out that, whatever the mandate is, there needs to be an understanding that the Academic Senate cannot be preempted from performing its role with respect to educational policy and responsibilities to faculty.

Rossi questioned under what circumstances would statements be discoverable in litigation. There are discussions in various departments about hiring a diverse faculty. Where does it cross the line? Roth said the problem is that people who sue can pursue documentation reasonably calculated to generate admissible evidence. That doesn't itself have to be admissible evidence; they can presumably see minutes of meetings in which hiring is being discussed. Beale added that any letters, announcements or minutes could be discovered: statements made that a committee's goal is to target a hire to an African American for a position opening, for example,

would be discoverable. It is important that people understand that the words they use really matters.

Student Affairs Committee: Simon reported that the Student Affairs Committee has met and discussed what they will do this year. Some groups have already been scheduled.

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*Approved as revised at the Policy Committee meeting of October 17, 2022*