

**WAYNE STATE UNIVERSITY
ACADEMIC SENATE**

Official Proceedings

March 1, 2023

Members Present: Mark Kornbluh, Provost and Senior Vice President for Academic Affairs; Linda Beale, President, Academic Senate; Mohammed Al Hallak; Nicole Audritsh; Suresh Balasubramanian; Joan Beaudoin; Pynthia Caffee; Stephen Calkins; Fernando Charro; Stephanie Chastain; Wei Chen; Chris Collins; Erin Comartin; Alan Dombkowski; Damecia Donahue; Sujay Dutta; David Edelman; Jessika Edgar; Brian Edwards; Erica Edwards; Jane Fitzgibbon; Daniel Golodner; Haidong Gu; Robert Harr; Marisa Henderson; reneé c. hoogland; Arun Iyer; Christine Jackson; Satinder Kaur; Pramod Khosla; Christine Knapp; Shelly Jo Kraft; Nasser Lakkis; Jennifer Lewis; Abhijit Majumder; Cynthera McNeill; Cynthia Merritt; Carol Miller; Bharati Mitra; Ramzi Mohammad; David Moss; Lisa O'Donnell; Rachel Pawlowski; Gil Paz; Sean Peters; Richard Pineau; Tamme Quinn-Grzebyk; Shauna Reeves; Robert Reynolds; Joseph Roche; Noreen Rossi; Brad Roth; Ali Salamey; Bo Shen; Gina Shreve; Naida Simon; Cheryl Somers; Jennifer Stockdill; Elizabeth Stoycheff; Ellen Tisdale; Stephanie Tong; Ricardo Villarosa; William Volz; Le Yi Wang; Jeffery Withey; Hossein Yarandi

Members Absent with Notice: Heather Abraham; Juliann Binienda; Ewa Golebiowska; Michael Horn; Barbara Jones; Georgia Michalopoulou; Shane Perrine; Wassim Tarraf

Members Absent: Paul Dubinsky

Guests: Kate Bernas; Kelly Dormer; Ahmad Ezzeddine; Laura Lynch; Tommy Martin; Mary Paquette-Abt; Sarah Schrag; Karin Tarpinning; Rob Thompson; Jonathan Weinberg

I. APPROVAL OF THE PROCEEDINGS OF THE ACADEMIC SENATE

It was MOVED and SECONDED to APPROVE the Proceedings of the Academic Senate plenary session of February 1, 2023. PASSED.

II. OFFICE OF EQUAL OPPORTUNITY PROCESSES

Tommy Martin (Assoc. Dir., Office of Equal Opportunity) was invited to discuss the responsibilities of the Office of Equal Opportunity (OEO). He explained the complaint process, definitions of discrimination and harassment, how a person with a disability can request an accommodation to perform the essential functions of

their job, the electronic faculty hiring system, and the trainings offered. The university prohibits discrimination, which in general terms is noticing something different about people and making a decision based on those differences. Discrimination that is unlawful means treating someone in the workplace differently than others because of their protected classification. Similarly, harassment is generally understood as someone engaging in annoying behaviors, but unlawful harassment is unwelcome behavior based on a protected classification that causes a hostile work or educational environment. Sexual harassment is unwelcome behavior based on sex, creating a hostile work or educational environment or quid pro quo. In those instances, it is always an abuse of power between a subordinate and supervisor. If a person wants to file a complaint because they believe that they were subjected to discrimination or harassment, they have several opportunities to file either internally or externally. For the external process, students and employees file a complaint with Equal Employment Opportunity Commission (EEOC) regarding an incident that occurred within the statute of limitations (180 days). Students or employees can also file a complaint with the Michigan Department of Civil Rights at the state level for incidents that happened within 300 days of filing. Internally, complaints can be filed through the OEO. Students can also file complaints with the Office of Civil Rights, which is a federal agency under the Department of Education.

Martin explained the levels of protected classifications. Federally protected classification includes the Age Discrimination in Employment Act, the Americans with Disabilities Act and Title VII of the Civil Rights Act, which includes five protected classifications: race, color, sex, national origin, and religion. On the state level, the Elliot Larson Act prohibits discrimination based on everything in Title VII of the Civil Rights Act as well as height, weight, marital status and familial status. At the local level, Wayne has a Non-Discrimination/Affirmative Action policy that covers all of the protected classifications.

Martin explained the process for filing a complaint. If a person decides to go to an outside agency, the OEO will receive the complaint and respond on behalf of the university, but it does not investigate those external claims. To file a complaint internally, the OEO becomes the investigator to determine whether or not discrimination occurred. There are three steps to the internal complaint process. Anyone who believes that they were subjected to discrimination or harassment submits an intake form on the OEO website and includes supporting documentation. The OEO will determine if an adverse action occurred because of a person's

protected classification, and why the person believes that adverse action happened because of their protected classification. If an action is determined to fall under the OEO's jurisdiction, an informal complaint or inquiry allows the respondent due process, a mechanism to respond to the allegations in an informal manner. At this stage, investigators will determine whether the complainant's allegations have merit. It will then move it to a formal complaint and a full investigation takes place (in approximately 90 days based on the policies in place). The complaint process is called 2005-03 and is located on the OEO website. At the formal stage, the allegation, in written format, is based on the complainant's signed allegations. The allegation is then officially presented to the respondent. A copy of the allegations is provided to the executive in charge: if it is on the academic side, the provost is notified, and if it is on the administrative side, the appropriate vice president over the division is notified. The OEO reviews all of the evidence, interviewing witnesses, reviewing video, and anything helpful in determining whether discrimination occurred. The end of the process includes a notice of disposition that lays out the plaintiff's allegations and the respondent's response to the allegations. A conclusion is reached through an IRAC analysis outlining the issue, the rule, the application of the rule and the conclusion. Notice is then provided to all parties involved, including the VP or the provost. There is also a mechanism for the complainant or any person involved in the complaint process to appeal if they believe the case was not fairly reviewed. If any person involved in that complaint process believes that an adverse action occurred because they were a part of that process, they can file a separate claim of retaliation.

Martin also explained the process for individuals who have a disability and need an accommodation to perform the essential functions of their job. The request for accommodation form is on the OEO website and must be submitted with supporting documentation. The form is reviewed, and authorization must be given to the OEO to request medical information from the individual's doctor, who is then sent a questionnaire about the individual's disability—i.e., what the limitations are and suggestions for a reasonable accommodation. Then begins an interactive process with the department to determine if the accommodation requested can be provided.

The ADA's definition of disability is a mental or physical impairment that substantially limits one or more

major life activities. To qualify, an individual must have a record of having such an impairment or being regarded as having such an impairment. The definition of an accommodation under the ADA is a modification or change in the work environment to allow a person with a disability to perform the essential function of the job. Martin noted that since the start of flexible work arrangements, there has been an increase in accommodation requests. Many people want to continue to work from home after being asked to come back to work for three days a week.

Martin discussed the five-stage electronic faculty hiring system for tenure-track faculty. In the past, records of the hiring process for tenure track faculty were kept in hard-copy format, which was cumbersome and time consuming. The OEO recently teamed up with the Provost's Office and C&IT to streamline the process by making it electronic, providing a way to document process and ensure fairness through checks and balances. The first stage begins with the department's budget for a tenure-track hire. The Provost's Office will initiate the electronic system by inputting information about the department, division, position number, and the form user's information—usually an administrative assistant or secretary within a department who assists the chair of the committee with entering in this information and keeping records. In the second stage, the form administrator inputs the search committee members' access IDs, which self-populate their ranking (i.e., assistant professor, professor), race and gender. This allows the OEO to determine if the search committee is diverse, which allows different perspectives to ensure a fair and equitable hiring process. The dean signs off on that information and it is submitted to the OEO's electronic hiring system to be rejected or approved based on the diversity of the search committee. Once approved, the third stage begins with the recruitment strategy page that documents outreach. The OEO is looking for diversity outreach—documentation on seeking underrepresented candidates such as through the *Chronicle of Higher Education's* diversity portal or networking at HBCU colleges. The fourth stage is the candidate selection page. Strong candidates are usually interviewed over the phone. Semi-finalists are invited to campus for an interview, and finalists are then determined. The department inputs that information, including race and gender, which is then approved by the OEO. In the fifth stage, the Provost's Office finalizes the process and the candidate signs the offer letter along with the provost and the dean. The OEO closes out the

hiring process and considers it a successful hire.

The OEO offers several diversity training programs in an asynchronous format. Implicit bias faculty search committee training ensures implicit bias is not used during the hiring process of tenure or tenure-track faculty and provides tools to have a successful search—i.e., diversity statements, rubrics, resources for advertising, “dos and don’ts” for fair questions. These trainings are listed on the website (oao.wayne.edu). Martin encouraged Senate members to contact the OEO with questions or concerns: email oao@wayne.edu or call 313-577-2280.

III. WAYNE STATE ONLINE PROGRAM

Ahmad Ezzeddine (VP, Acad. Student Affairs & Global Engagement) and Rob Thompson (CIO, AVP C&IT) were invited to plenary to discuss the new Wayne State Online (WSO) program. We currently offer many online classes and programs, but only two undergraduate degree programs and seven graduate degree programs are fully online. The goal of this initiative is to meet student demand by increasing the number of online degree programs. Ezzeddine explained that the WSO program allows students to enroll in a program they start and finish online, not hopping back and forth between in-person and online classes. WSO will bring in the programs that are currently online and add to them. Schools and colleges, including Engineering and Business, are currently considering new programs. Infrastructure will provide a platform for students interested in these online programs to easily find what is offered in an online format. The goal is to complement the services that are available at the schools/colleges so that students will have information readily available to them. The central administration is carefully reviewing what is maintained at that level and working with the schools/colleges at the local level.

Thompson shared a diagram of the WSO program depicting existing systems such as Slate, our admissions system at both the undergraduate and graduate level, and new materials (i.e., additional campaigning, social media, email, web, and request for information (RFI) links). He noted that the RFI currently does not go into the customer relations management (CRM) system, but that will be enhanced to appropriate personnel to follow up on those leads. Once RFIs are in the Slate system, the applicants will receive a welcome letter and a personal

follow-up from the program manager, including cultivation and scoring. This is a wraparound service in Slate. Importantly, the program manager will be interfacing continually with schools/colleges, and advisors will advise applicants along the way. Quality Matters is the rubric used for assessing the quality of online courses. WSU does not plan to seek Quality Matters program certification, but we will utilize the criteria. The Office of Teaching and Learning (OTL) will assist faculty through that assessment process. OTL will provide additional resources to build online content as a support program around existing structures. Ezzeddine noted the provost has committed funding for faculty to receive training support. Quality Matters is the standard that many other universities are using to establish the quality of online programs—like a badge that indicates our programs have all the important elements. The goal is that schools/colleges will design programs to meet those standards.

Referring to Thompson’s program diagram, Kornbluh noted the engineering faculty has approved offering a biomedical engineering (BME) master's online—a very competitive program. It has gone through all normal governance. Because it is only a modality change it did not require Board of Governors approval. If anyone asks for more information on this program on the website, support staff will send them information. Requests for more information will result in higher scoring than if we just captured an IP address from a visit to our website. Nonetheless, we respond to those visits as well. This is a competitive market, and we want to help our programs attract students and bring in additional revenue. It is all about building the infrastructure needed to enroll these students and having standards that ensure quality programs across the campus. Ezzeddine added there is a listing of all current programs at online.wayne.edu. Part of this initiative is to make the web presence more interactive and responsive to students. Kornbluh pointed out this will be a very different admission process directly through Slate, with the idea that we will be able to admit very quickly—24 hours instead of 24 years. Engineering is not requiring GREs for these programs; a grade point average will allow conditional admits. If applicants need to provide a TOEFL score, that can follow admission.

Beale agreed that the process of having Slate automatically issue welcome letters, making sure advisors get involved and using some means to ensure quality all sound like good ideas, but she suggested it

would be helpful to have a better understanding of what is included in the WSO commitment. What characteristics of online programs will this online structuring pay attention to? Ezzeddine responded that the focus is to pay attention to the quality of the online delivery. We currently utilize best practices in some areas, but merely recorded and posted lectures in others. Adhering to the Quality Matters requirements will prevent that. If we have an online class, we want to make sure that we have interactivity and are testing for learning, and to ensure we are teaching and assessing throughout the process. Rather than having students listen to four hours of lectures, they should have modules.

Beale asked whether the WSO program will have central overview. What is the relationship in terms of Quality Matters? Kornbluh explained that the Provost's Office provided fellowships for five faculty members to be trained in Quality Matters. Those faculty in turn have provided workshops and faculty support. Additional faculty members who are interested in the Quality Matters training can apply for fellowships and then use that training to assist their colleagues in developing online classes. He suggested having these trained faculty members come to the Curriculum and Instruction Committee and the Academic Senate to talk about Quality Matters. The idea is to have faculty support on these programs. Currently, there is nobody above the college requiring this, but the Provost's Office intends to encourage it. The centerpiece is that the programs must be interactive in some way. An excellent piece of Quality Matters is helping faculty understand how to have an interactive program that is also asynchronous—an essential piece for accreditation in many of our schools and colleges. Ezzeddine added that central administration is not taking over from the schools/colleges/departments—this is their domain. Rather, central will provide support through OTL-trained instructors or designers that can be assigned to work with faculty and/or faculty who are Quality Matters fellows who have that expertise. The Office of the Provost and C&IT will provide first-level infrastructure to create more responsiveness than we have currently—infrastructure that is comparable to what is being offered for people who go to ASU, Purdue, or U-M online. These programs have well-developed websites and web presence, and requests for information are answered within the hour, if not instantaneously. At the faculty level, we can provide the support and the expertise on campus to help departments who are

interested in developing their programs to do it more effectively.

Another example Kornbluh provided was in social work. Nationally, many social work programs have moved online, so the school, under faculty leadership, received national approval from their accrediting board to offer their program online. They requested additional support for academic coaches to work with their students. We will build the IT framework to help these coaches work and provide funding for extra coaching as well as for Quality Matters requirements in how the courses are delivered. Thompson noted the technology support for creating higher quality online content, such as having access to light boards in rooms for video editing that will provide better production and video quality instead of a typical Zoom session where the instructor is in the corner of the screen and the rest of the class in another box. He has discussed with OTL making this technology available to more faculty. Light boards are essentially like writing on a piece of glass. If you want to see the instructor, you have to reverse the writing because all the writing would be backwards, so there is some real-time work that is done in between but the end effect is a much higher quality video for someone who is learning online.

Reynolds (Engineering) noted that online programs track cohorts. It is not just an individual training program but a group training program, and it is important to facilitate that communication from the start. Will technology be acquired to effectively support cohort interactions among the students? Thompson explained the Banner system has the ability to track and integrate it with Slate. We already use that to track cohorts of different applicant pools and we will be using the same technology to essentially tag students that come through this enhanced front door. Reynolds suggested providing them with events and opportunities to solidify those relationships personally.

Majumber (CLAS) questioned the insistence of being 100% online. There are some courses or programs that cannot be 100% online (i.e., a lab component is required in physics). Is having programs 50% online and 50% in person for the lab component something that will be considered in the future? Ezzeddine confirmed that option is not being taken away from students. We need to create a set of completely online programs and that is what we would be tracking. We have a lot of those types of programs where a good part of them is hybrid, and those will continue. However, in the programs that will

be under the WSO program, students will not be able to hop back and forth. Those programs must be fully contained online. Kornbluh believes the goal here is to create specific programs that are segregated from our regular programs. That does not mean that a class cannot be used in both ways, but the student is going to be in a specific program and many of these will have a slightly different price than our regular price. The engineering online programs are looking at a price that is slightly higher than the in-state price, in line with most online program pricing. From his point of view, they do not have to be 100% online. For example, a program in business can come together for the first week and then 90% of the class is online, but then they come back together in person, as long as it is a cohort. The regular physics class that is 50/50 will be supported, but that is not really what the WSO program is designed for. We want students to be able to come in and out of that class. Ezzeddine pointed out another way to think about this is not either/or, but *and*. We are currently offering the option Majumber referred to and will continue to offer it. However, we are creating a parallel track for programs that are completely online. For those programs, students may not be in Michigan and they may not be able to come in person, so we need to make sure that we are true to advertising. When we say it is online, the student can start and complete the program without having to come to campus.

Majumber is teaching an online course right now and is trying to set up an interactive system. He attempted to get a better system, but OTL asked him to use something called ED Puzzle, which is a bad system because it crashes and you have to go through an enormous process of recording a lecture, downloading it on your laptop, putting it on YouTube and linking the ED Puzzle to YouTube. Even then the students complain. Is there going to be funding for more interactive tools that faculty could use? Ezzeddine confirmed they considering systems available to support video and interactive activities, not just the free ones.

Fitzgibbon (CFPCA) asked if variable pricing will be available. Harvard's online options are cheaper than their in-person tuition. Ezzeddine noted that the Board of Governors had approved in-state tuition pricing for fully online program several years ago. This changes the dynamic: whether you are taking a class from California or India, you pay in-state tuition. As the provost mentioned, we are now looking at certain programs, and the Board approved special pricing for cohort programs,

so this will be considered. The idea is to make these programs competitive: we cannot charge \$30,000 when ASU or U-M operates a program for \$20,000.

Quinn-Grzebyk (Business) has done a lot of online teaching and is excited for this program. In her experience from a support standpoint, she received the modules with everything broken down into segments and everything is wonderful except from a Quality Matters standpoint. The requirement to be 100% accessible is not possible because she cannot get all the transcripts done. There is so much talking, you basically have to have a transcript for everything and make sure that images have their matches. It is important to ensure that we can achieve that more quickly. It requires considerable due diligence on her part to make sure all of the sessions, segments and modules address the accessibility portion for transcripts and so forth. Ezzeddine agreed: we are keeping a list of things we need to address, and accessibility is one of them. Kornbluh noted the technology has gotten faster, but we are not going to let the perfect be the enemy of good.

Edwards (Medicine) shared that his daughter completed a one-year MBA online and they worked on projects in small groups of five to 10 people. Near the end of the program, they all came together in a hotel for a week to do the major final project. Regarding online teaching, does the Office of the Provost seek opportunities? If there is a lot of interest for a particular course in a particular discipline, does someone point out the chance to make some money? Do you look for opportunities or only react when people propose things? Ezzeddine explained they do both. For example, the mortuary science program was a combination of identifying this opportunity and working with the Eugene Applebaum College of Pharmacy and Health Sciences to put it together. That is what the Provost's Office does—look for those opportunities and then highlight them.

Stockdill (CLAS) commented on Quality Matters and the goal to get international participation in these degrees, questioning how to accomplish this level of interaction when the students may be in different time zones. The time required to build online content is much more for faculty than to run the same class in person. Will there be some kind of compensation or incentive to make this more of a reality? Ezzeddine said there are currently programs that are asynchronous yet have interactivity. These programs are not only for international markets, but also for local markets. We

have many students in the northern and western hemispheres who are in the same time zones, so there are ways to build that interactivity, whether synchronously or asynchronously. That is the investment we are making, providing professional development and support. In terms of course design and development, Kornbluh explained an in-person course can take considerable time as well. For five years, he taught a 300-person course where the students sit in a large classroom and were active throughout the entire time, taking just as much engagement on a weekly basis as anything he had ever done. You can give a lecture and read old notes, or you can work on your teaching in different ways. Stockdill was not implying teachers get lazy in person: to build an in-person quiz or to have students work in groups on a problem, she can just write that up on the board and walk around. But if she wants to do a quiz online, she has to deal with clunky software and figure out how to write it so that students can answer it and it can be graded: the difference between the two is not trivial. Additionally, there is considerable professional development required of faculty. Can there be a plan that allows faculty to learn this and receive some compensation? It does not need to be financial, but if she needs training that is going to take time away from her research. Kornbluh confirmed there is a plan for compensation: departments and colleges are doing this for revenue sharing and will receive resources in return. They are doing this to help the larger economy of the university and avoid budget cuts. We look to chairs and deans to work with their faculty for what is necessary to create these courses. Most of the proposals involve funding for faculty or graduate students to build these courses and the support to do that. What we are asking from colleges and from the programs is a full proposal. What is this course going to be? What does it mean to do biomedical engineering online? What are the classes? What are your costs to build this? How many additional students will this bring in? Schools and colleges give us the projection over time. The Provost's Office has shared money centrally back to the colleges, and the deans have carried that forward to departments. He hopes there are similar resources to develop exciting courses in person. OTL tries to support that, and we probably need to do more of that as well.

Shen (Education) noted the online programs having a tremendous advantage not only for the national student but also for the international student. In some countries, there are concerns about online systems. For example, the National Department of Education in China recently

issued a statement that they will not recognize an international diploma or a certificate in entirely online format. This could be a huge issue for developing the online format to recruit international students. Ezzeddine was aware of the Chinese government's statement. For some of our Middle Eastern students, we must confirm to the embassies every semester that they have not taken more than two online classes in their programs. International students who are on F-1 visas in the U.S. cannot take more than two online classes per semester, which is less than full-time. Therefore, we must be cognizant when planning to ensure we have enough offerings, because we also have a major campaign to increase our international students and provide enough in-person classes for them. As previously mentioned, this is not an either/or, this is *and*. We are primarily an in-person university and need to continue to offer in-person classes, but the online programs will support new markets and special programs where we have a niche and can offer a degree in demand which would have appeal and generate new students. Kornbluh noted the majority of online students take courses within 100 miles of where they live, so this will primarily serve Michigan and Ohio students. We have other programs to welcome international students here. Fitzgibbon questioned how this impacts students from Ontario. Ezzeddine responded if they are F-1 students, they are required to be here in person. Usually international students come here because they are interested in obtaining the work permit at the end of their degree and for that they need to be here in person.

IV. RESOLUTION APPROVING REVISIONS TO BOG PROBATION STATUTE

Kelly Dormer (Assoc. Dir, Academic) and Kate Bernas (Assoc. Dir., University Advising), along with a working group of academic staff from undergraduate serving schools and colleges, worked through the fall semester to revise the Board of Governors Probation Statute and brought the resolution to the Senate for a vote. The last updates were in 1984. Language was updated to align with current terminology (i.e., grade point average rather than honor points, defining academic exclusion, language from the Registrar's Office). Primarily, this includes an option of academic recovery which will create a path to help retain students that are making progress. The goal of the statute is to give the authority to the academic staff, advisors and faculty of

schools/colleges to individually work with struggling students to get them back on track and retain rather than exclude them.

Based on Bernas' years of experience working with probation students in CLAS and CFPCA, she explained by the time there is chance to intervene with the student, they are in their second term and in the next set of classes. There is not time to intervene in that second term, so they are usually working on intervening in the third term, which can be the students' last term, according to current policy. Nobody wants to exclude students, especially if they are being responsive and doing all the right things—perhaps they have changed their major or are working on time management and study skills. We want the ability to continue to work with them into that fourth term and hopefully get them back to regular status and go on to complete their degree. This would be a codifying a practice that a lot of us do on campus or off campus in all the schools/colleges. It provides some structure to a recovery plan and offers best practices, such as toolkits, across campus. For example, CFPCA and Education have success coaches so the group is looking at that program for some of the strategies that they use, as well as some of the good work that is being done by advisors.

Paz (CLAS) raised an issue with the wording of the older proposal using the 'his/her designee' and suggested avoiding the pronouns and using 'the'. Beale responded that the Board statutes have that same style throughout, so some of the language he suggested changing are parts of the statute not being changed with this current proposal. She suggested accompanying the resolution with a request to the Board to take this suggestion into account throughout the statutes.

Dormer had discussed this with Darin Ellis (AVP), and they decided to work on a resolution over the summer to update all of the statutes to be non-gender specific so the changes can be made holistically, rather than having certain statutes that are corrected and others not. Villarosa (DOSO) noted that is a big job done by the AAUP-AFT union with the last collective bargaining agreement, so it can be done even with big documents.

Moss (Law) questioned whether the resolution is limited to undergraduates: it explicitly refers to undergraduates, but it covers multiple schools/colleges. Does this also apply to the graduate school? Dormer responded that this proposed revision to the statute focuses on

undergraduate students. If there is interest, she can examine graduate student-related context.

Chastain (CLAS) asked if each college will be provided funding to hire success coaches for this population of students, noting that academic advisers are already overwhelmed and these students need extra support. Will the Academic Success Center be provided funding to continue the study skills counseling program, which is extremely helpful when referring students to campus resources? Bernas cannot predict if there will be funding. The success coach model is something that many of the advisors were interested in. Other than CFPCA's and Education's success coach dedicated to this population, advisors do the bulk of the work with their probation students. They have a matching engine that assigns undergraduate students to an advisor, who are typically the ones responsible for working with those students and building plans for them. Unless there is an ability to restructure that, given the current loads, it is being done anyway, but with a success coach come interventions. Kornbluh explained this is part of a budget process that goes on in every college in collaboration with faculty councils, budget committees and the Budget Planning Council. Unfortunately, at every level there are limited resources, and certainly colleges can make choices to invest more in student support services and less in hiring faculty. From the university's perspective, by growing our market share and doing new programs, we gain resources so departments in schools and colleges will have more choices, as well as more choices at the university level. It is an area of constrained resources.

By a show of hands, the Senate voted to support the proposed change and the motion carried.

V. ACADEMIC FREEDOM DISCUSSION
AND RESOLUTION

Roth (CLAS) led the discussion of two related, but by no means identical points. One is contained in the brief resolution put forward from the Policy Committee. The other is to introduce the topic that is contained in the memorandum that was provided in the meeting materials. The memorandum was solicited by the provost from the dean of the law school who brought together Weinberg (Law) and Roth. Weinberg is a foremost scholar in First Amendment law and the memorandum is predominantly his work. The goal of the project was to set certain parameters about the

discussion of academic freedom and the kinds of responses to certain challenges that the university can legally undertake, and also to think about competing considerations where the university has discretion in undertaking some kind of response to various issues. This is a long and involved topic. It is an 11-page memorandum and if it were a 111-page memorandum, it would not scratch the surface of the issues to be dealt with here. It is an opening to a much larger discussion, far beyond what we have the capacity to do here. However, there are strong differences of opinion about academic freedom and the related issues that arise. We cannot work out all the issues and all the positions that we might possibly take before taking action on a particular pressing matter that confronts us. The existence of twilight does not refute the distinction between day and night, and the fact that there is a difference of opinion about a wide range of questions should not preclude us from making some kind of statement about matters that are specifically upon us. The goal of the draft resolution is to, on the one hand, stay out of the weeds of particular kinds of controversies over facts where one could become endlessly bogged down on the question of who did what, when and why, and at the same time try not to engage too much in the kinds of questions that tend to set academics against one another, but to try to develop a statement that would respond to a real challenge to academic freedom that we see arising particularly in state-level politics around the country. We have not named anybody in the resolution specifically for this reason, but the people who are being referred to know who they are.

The proposed resolution states:

It is hereby resolved that the Wayne State University Academic Senate deeply deplores the recent trend on the part of state-level political figures in various parts of the country to interfere with curricular and pedagogical decisions by scholars and instructors at all educational levels. These governmental efforts to block students' exposure to voices from historically subordinated, marginalized and excluded communities have no place in a democratic society.

This is being put before you as a statement for approval. There are many ancillary issues that we might grapple with, subject to the limitations of time. The key points of the memorandum to be kept in mind are points about certain hard stops, as it were, established by existing

constitutional jurisprudence regarding what a public institution can do about certain kinds of questions, and this is very frustrating to many people. This is not jurisprudence handed down from the heavens. This is something that is a product of a specific moment in a specific country's interpretation, through its judicial processes, of freedom of speech. There are many competing understandings of freedom of expression throughout the liberal democratic world and beyond, but this is what we have to live with as a public institution in the United States of America and the State of Michigan.

A couple of the most important things to note about it. First of all, the overarching principle of viewpoint neutrality in governmental regulation of speech is critical: from the standpoint of the U.S. Supreme Court, there is, constitutionally speaking, no such thing as a false idea. All questions are to be open questions from that perspective. That does not mean, of course, that people do not adhere to strongly held conceptions of truth or that those conceptions of truth do not undergird much of what we do. But everything is open to question in a society that accepts as its basic premise this conception of freedom of expression and therefore adheres to the principle in speech regulation of viewpoint neutrality. That means that you cannot interfere with expression. Once you have created, for example, a limited public forum where it has been established that groups can articulate their views in particular spaces, you cannot then intervene in those spaces because you do not like the content of a particular view being expressed. This is a basic theme that is discussed.

Another related theme that is discussed, and in some ways follows on, is that one of the difficult problems in dealing with these questions is the line between speech and conduct. Indeed, it is really a question-begging distinction in many respects. The question of what the impact of speech is on people is something with which we are largely concerned as an institution that seeks to be welcoming to people from all backgrounds and all parts of the society, yet there is a distinction between what is constitutionally permissible by way of blocking certain offensive forms of expression and what is not. You have language, for example, from judicial opinions that talks about what counts as a hostile environment, which can be precluded; but it is not a hostile environment unless it causes the student's educational experience to be "permeated with discriminatory intimidation, ridicule, and insult that is sufficiently

severe or pervasive so as to alter the conditions of the victim's educational environment". That is a much tighter standard that some people would prefer. These are the kinds of legal limitations within which we are operating as an institution.

Then there are other issues to be grappled with in terms of the wisdom of taking positions as an institution on questions and dealing with matters that arise where particular statements are uttered by perhaps faculty members in public spaces. Instances have arisen not only at this institution, but around the country (many of which are very familiar to many of you) that are of this nature. We are trying to grapple with the question of what it makes sense to do with respect to these things.

One of the points that is made relating to the resolution is specifically where an institution is dealing with matters that go to the core of the institutional mission—i.e., to academic freedom. Where we see threats to academic freedom here or anywhere in the country, we have very good reason to speak out. That is the basic idea of this resolution. Roth noted that in his personal experience, he has dealt with many of these difficult issues. He has often spoken about Israeli-Palestinian questions to both Jewish and Arab audiences. He teaches about civil wars and does research on civil wars. It is difficult sometimes for people to keep in mind that informed persons of good faith and sound reason can be found on opposite sides of civil wars, and that there are various kinds of expression and various substantive points that people make, which are justifiably taken to be offensive, but that nonetheless form part of an essential discourse about the kinds of matters that we confront. That is something that ought to be borne in mind in thinking about questions of academic freedom broadly.

Paz recommended keeping the first sentence would be more useful as a kind of strategy, because the second sentence is playing into the hands of the people who are coming up with these rules. The terminology being used is exactly the kind of thing that they like to pick on. The issue of First Amendment is a universal American value we can all agree on, so he suggested deleting the second sentence. Simon (University Advising Center) supported the second sentence, but she understood Paz's point: it waves the red flag in front of the bull. Beale, however, thought it important that the Senate be willing to speak strongly on this issue. Roth understood the tactical question here, and it is a legitimate one. He suggested people are looking for an expression of solidarity on the

Senate's part with respect to fellow academics around the country who are being confronted with an extraordinary attack on their academic freedom. If we are not willing to speak up now, when will we do so? That would be the question in terms of speaking out directly. In fact, the subject matter is already adverted to in the first sentence. He did not think the Senate would avoid whatever attack might come its way by excluding the second part. Roche (EACPHS) agreed the second sentence gives context to the first sentence. It tells the reader why we deeply deplore the recent trend. Therefore, he believes it is important that the Senate keep that sentence.

Paz reiterated his view that the first sentence is sufficient in that it is responding to an attack on the First Amendment. The way the words have been formulated can be used to say, this is exactly what we are taking about: this specific political point of view that is being put forward. You can support this topic, but I think it is good to be to be smart about that. Not that he believes that Florida governor DeSantis cares about anything we say here, but it is good for the Senate to be smart in terms of the ways they make arguments. Edwards (Education) understood the concern that the second sentence could make the Senate a target of political attack, but thought it important to keep in mind that those who are marginalized have been subordinated because there has been a dominant theoretical viewpoint throughout history for some 404 years. It is very important to keep that language so we can be on the right side of history. Golodner (Labor History/Archives) also supported the second sentence because it speaks to students' voices whereas the first sentence only refers to scholars, instructors and educational levels. The second sentence indicates the Senate is considering students' needs. Without the second sentence, Harr (CLAS) thought the first sentence could be viewed as contradicted by state boards of education and other local boards of education that set pedagogical standards. The second sentence explicitly lays out what we are referring to. Roth responded that he believes the second sentence does provide a certain kind of focus as to what the specific problem that we are confronting in regard to interference with these processes in the first sentence. Harr noted that the state issues mostly center on K-12 education but it is creeping into universities. Perhaps a motivator for the resolution was Florida's decision to remove the College Board's AP course on African-American history. Beale explained that the Policy Committee has been discussing various aspects of these

issues, as Roth laid them out, for some time. The brouhaha over the AP courses was one concern, but there are also many signals pointing to a desire to dictate what can be taught in public university, such as proposed bills against universities teaching critical race studies or LGBTQ+ studies.

Villarosa supported the second sentence. The Senate has wrestled with matters it should speak on. There have been a number of issues in the past two years that the Senate committees wanted to make a statement on, and some people have asked why we have not spoken. This is finally, for a lack of better words, the sweet spot where it is unquestionably a matter on which we should speak out. Therefore, this is not the time to hold back and try to hide it.

Donahue (University Libraries) worried about the second sentence addressing the need to expose our students to different voices. Our students sometimes complain about the ways they are treated in the classroom and may not agree that we support other people's voices. It feels like there is a context that could be added to help make that a more reasonable statement to make.

With a show of hands, the Senate vote on the amendment to strike the second sentence of the resolution failed.

To generalize on Roth's comment, Reynolds noted algorithms apply to all sorts of decision making and can have a big impact on our environment. He suggested broadening our thinking on these issues from written history to algorithms and computational devices that can effectively translate those issues into practice, which is something to consider as well, if not in this amendment, then in some future amendment.

Moss wondered if the phrase "state-level political figures" means state-level elected officials. That is a poke that does not need to be there. Roth responded that he had wanted it to be broad enough to cover people who are bearing down on the political process in various ways in respect of this matter. He does indeed have in mind state-level elected officials, but also people who are running for state-level office and demagoguing this issue.

Edwards added that some of her colleagues in the College of Education are concerned about the broad

language that is used in this resolution and would like to see future resolutions that speak to some of the more specific attacks that have occurred, as it impacts particular student groups and particular scholars and the types of the work that they do. She was thinking about students and scholars in ethnic studies that have been using critical race theory and other similar critical theories. Some would like a Senate resolution that names specific assault that occur in politics so that there can be greater protections around those folks should adverse situations occur.

With a show of hands, the Senate voted to pass the resolution. Kornbluh noted that considering what issues the Senate should speak to around the politicization of higher education is something that Policy discusses almost every week. There is a desire for input and discussion broadly from the Senate, and Policy is open to suggestions for other ways to keep talking about this.

VI. REPORT FROM THE PRESIDENT

The provost provided funding for the bagged lunch at this Senate meeting to encourage members to meet in person. There was a larger group in attendance and Beale hoped the lunch made the meeting more welcoming. At some point, the hybrid option will be eliminated if it is too much for convenience rather than necessity. We will continue allowing people who need it to have a Zoom link so that they can participate in meetings, but when we are here and can talk before and after the meeting, it makes it easier for the Senate to work as a body. For example, there will likely be discussions about the Academic Freedom Resolution and what further things we should be doing after this meeting. Beale will continue to encourage members of the Senate to attend in person.

The proceedings have a generous description of Policy Committee discussions about academic freedom and the different issues because that has been a major issue and concern. We have been considering on what issues the Senate should speak, when should the president of the university speak, and how should the Senate speak when it does decide to speak. There are certainly incidents that we have not spoken out about other than in reporting on them to the Senate memberships. There was the case of the Student Senate not being able to use the listserv of students who are its constituents to share a resolution the Student Senate had passed on the Israeli-Palestinian

conflict. That is content control of expression, which ideally should not occur in a university setting. Similarly, the Senate president has not been able automatically to use the faculty or academic staff listserv to send information to Senate constituents about things decided here. The provost and Beale have arrived at an agreement that allows Beale to send such missives. One missive that needs to be sent to faculty and academic staff is the Academic Freedom Resolution that was passed at this meeting. It also should be shared with the press.

Another matter found in the proceedings is frequent discussion about student and faculty mental health and the stress faced in coming back from the pandemic. It has not been as easy an experience as we might have hoped. There has been a stress for students and faculty in figuring out how to make the transition back and adjust to the regimens that have been established. Beale recognized the large amount of service work being done by Senate members, and thanked them for serving in the Senate as part of the many other service obligations they have.

Beale touched on budget matters as decisions must soon be made about the funding for next year. At a recent Board of Governors meeting and the upcoming March 8th Board of Governors meeting, there is discussion about a new bond authorization. A \$150 million bond would primarily go to certain renovations of Scott Hall and construction of a smaller new building, along with the \$100 million that we expect to get from Michigan for that purpose (and hopefully some philanthropic millions that we have not yet seen). The current proposal for a Scott Hall replacement is somewhat smaller than the original plan. As Beale understood it, it would be to make the bottom four floors of Scott Hall habitable and useful, shelving the top floors while building a smaller building nearby in the parking lot. That would hopefully be about \$250 million. It is a large sum of money, and it would be great if we could get some contributions from donors. The other budgetary matter of great concern is the budget for the next fiscal year when we may still be declining in enrollments. Much of today's discussion about the WSO program is targeted to generating new resources that eliminate the need for big cuts. The Budget Planning Council, which is the university-wide group, and the budget advisory committees in each of the schools/colleges are meeting through the month of March to talk about what kinds of programs can bring in new revenues and are reasonable for the school/college

units to do. What kinds of cuts could be taken if they had to be taken in each of the schools/colleges? This will not be an easy process and discussion: nobody wants across-the-board cuts. If cuts are necessary, they must be made wisely and consider where they can do the least harm, and that is going to be a difficult process.

Policy has appointed some faculty representatives to a committee being set up by the provost to look at Ph.D. education, how we do GRAs/GTAs, the funding, and what the Graduate School's role is versus the individual schools' roles. There will be quite a few people serving on that committee, including Senate representative Shen. Beale encourages Senate members to contact her or other members of the Policy Committee if they have questions, ideas or suggestions that group should be considering. The provost will share the charge to this committee with members of the Senate.

VII. REPORT FROM THE CHAIR

Budget Season.

As the Senate president noted, the Budget Planning Council is meeting with every school, college and administrative unit to determine what they are presently doing, what they would like to do in the future, their overly optimistic goals, and what they would do if they had to make cuts. They are being asked to provide plans for 3% and 6% cuts. This was also done last year, but we did not have to do cuts and so the colleges did not have to take that seriously. Current budget projections will be shared with the Senate at the April plenary. A one-page document will show projections from one year to the next, listing how many additional or fewer students enrolled, how much money that means, what we are expecting from the state, what our additional costs are (i.e., labor, utilities). Currently, that document indicates we are about \$17 million in the hole, which is a 6% cut. It is not a given, however, that we are going to have dramatic cuts. Dave Massaron (VP, CFO) and the provost have not given up trying to reduce that to 2% or even a flat rate, which can be done by cutting costs and increasing the number of students enrolled. We are very active in recruiting our normal undergraduate students and the projections right now have our undergraduate class down around 1%, so we might be able to come in flat. A couple of the colleges (Engineering, in particular) will increase their master's enrollments, which are not yet built into the budget. Also, there are three or four

major international efforts. It is still a useful effort to make the colleges think hard about the budget. The problem remains the same: our costs grow faster than our revenue. We will have more money in our budget next year—at least 3% more than this year—but our costs are growing faster than that. We have agreed to labor contracts and interest rates, utilities and insurance have gone up. Additionally, we have to put more money into facilities and deferred maintenance. All of those things go up and even though revenues increase, it still remains a challenge. This is a work in progress.

Remote Work-Day Policy.

We engaged the new remote work-day policy in January, closing campus and switching to remote with little disruption. Various people did not take home their laptops because they were not informed until 6 p.m. In the future, an announcement will be made by noon if we are thinking of closing the next day so you will bring home your laptop. Both the provost and Massaron are open to comments on this, but it seemed to work well. Certainly, those who live in Oakland County were appreciative of not having to drive to campus in the snow.

Fall Opening.

The Provost's Office wants to completely rethink the start of the fall semester because it has been very siloed and separated from the colleges. In the past, we moved students in with the 10 employees in housing. Student life has done its own thing, and other groups have done their own things. Everyone will be working together for this large event, and it will be called the Fall Opening. There is a different calendar this year as a result of the Senate approving the student request for a fall break (this year it will take place on Monday, October 17 and Tuesday, October 18). Because classes start on Monday, the events must take place over the weekend. The entire campus will be invited to participate in moving in our freshmen on Thursday. Moving in does not mean carrying stuff—it means you talk to parents and students and welcome them to campus. Most residential campuses make this a big event. Friday is devoted to the first-year students to get them acclimated. In the past, we did lots of things for our residential students and nothing for commuters. Now we are going to welcome our commuter students as well as our residential students. We will try to make sure every one of them knows how

to log-in to Canvas. There will be escape rooms in Old Main so they can figure out where the buildings are. There will be some type of video competition in State Hall so they know what is going on there. We want to try to make it fun but also set them up for success. In the past, continuing students moved in whenever they wanted which often meant two days after classes started. That will be changed to a big move-in day for continuing students on Saturday. Sunday will be convocation and we hope to have a big picnic for all the families. Families will be invited to drop their kids off to stay for Sunday and commuter families will also be invited to campus. The goal is to include the whole community and have the local restaurants open these four days. The event will be driven by belonging, being part of the community in lots of different ways. The Office of Multicultural Student Engagement (OMSE) is going to do group activities for different groups. A time will be set up for the colleges to do things for their student groups. These fun activities will allow people to get to know each other. We are not going to do a rock concert until 1 a.m. on the quad, but we will have intramural sports, pickleball and competitions between different students. The goal is to get the whole campus involved. There will a call for volunteers at the town hall meeting next week. Committees will be formed, and a department secretary might chair instead of just people in the administration.

Students for Justice in Palestine Petition.

Kornbluh noted that the Students for Justice in Palestine have a petition asking the university to divest from anything related to Israel. The petition asks us to follow a resolution purportedly passed by the Board of Governors in 2003. The BOG, however, turned down the resolution in 2003 with an explanation. Nonetheless, there is social activism on our campus among students who support Palestine and are concerned about the Middle East—and rightly so. They are asking the Student Senate to endorse this resolution, and it may do so, as it has the right to do. Some students are concerned about this as the resolution has reached the attention of certain national Jewish activist groups. They also have a right to complain about this. The memorandum Roth discussed earlier may help the university do a better job in navigating this. This could be a very challenging circumstance because conditions in the Middle East are far worse than they have been. Secondly, we are in much more politicized environment in the U.S. As Roth stated,

politicians are taking advantage of that politicized environment for specific agendas. It is going to be challenging. We will support free speech and freedom of opinions of all the constituents in the university. The provost is concerned this is going to put us in the bullseye of national news. He encouraged Senate members to contact him if they have any advice.

VIII. NEW BUSINESS

Regarding communication, Harr went to the Senate website and was unable to locate the proceedings. Beale explained the Senate office was short-staffed for more than two years and is working to update the website.

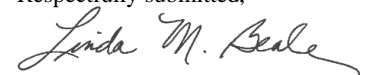
Reynolds raised the issue that three quarters of this meeting discussed new teaching techniques, acquiring new technology, and services for students. At the end, though, the Senate was told budgets are going down and there are other issues for which costs are going up. He recently attended a presentation and learned the university is accepting bids for enhanced security for automatic door locks and other security provisions—all of which will cost a lot of money. Kornbluh agreed there are two major issues around security. One is cameras and the other is door locks. We are far ahead of MSU on cameras with an integrated camera system that is tied into the Detroit Police Department in real time, but we still need more high-quality cameras. We are much further behind in door locks and are looking into different lock systems, bidding for outside consultation. This is a difficult situation and there is no easy answer. You would not want doors locked from the outside that do not allow you to leave, but you want to be able to lock them from the outside. The technology is really complicated and very expensive. Until the recent shooting at MSU, Massaron and the provost discussed trying to do this over a five-year period. None of us can take five years to do this now. We are working with the other universities in Michigan on a big ask of the state, hoping to receive around \$20 million to move this forward quickly. This is important because we have four different electronic door-locking systems on campus and none of them integrate with each other. The police control the back doors and the roof doors to the dorms, but the Provost's Office controls the front doors. The good news is we currently have a good camera system and that would have been the key in a shooting incident.

On behalf of multiple faculty and departments in the School of Medicine who are involved in recruiting master's and Ph.D. students into their programs, Edwards explained they are furious at the handicap put on their efforts by the GradCAS system. He understood there are processes to fix that but questioned the progress. Can he report back to them that there will be a more transparent and helpful system in the near future? Kornbluh has not heard from the School of Medicine about the needs there and would like to hear from the appropriate administrators. All of the graduate applications in GradCAS have been moved and can be accessed through Slate (our old system). His goal is to leave them in Slate and have nothing to do with GradCAS again. The applications in engineering and business have not yet been moved out of GradCAS, and he is trying hard to get this done. We will be using Slate except for programs where the specialized CAS systems work (i.e., EAPCHS works fine with some of the CAS systems and nursing wants to be in NursingCAS). If the medical school graduate directors are not getting messages, have them or their associate deans write directly to the provost. He agreed it was a mistake. CAS marketed itself as a common application, just like the undergraduate Common App. It was sold to schools as a diversity and equity program, but it did not have the functionality or quality that the undergraduate Common App has.

Simon announced the Election Committee is holding the Faculty and Academic Staff Hearing Panel elections. The polls are open until March 24th. Only the Senate can vote, and she encouraged members to do so. There will also be an election for Senate president at the next plenary, and anyone interested in running should contact Simon.

The meeting adjourned at 3:34 p.m.

Respectfully submitted,



Linda M. Beale
President, Academic Senate