

WAYNE STATE UNIVERSITY – ACADEMIC SENATE
Official Proceedings
October 2, 2019

Members Present: Keith Whitfield, Provost and Senior Vice President for Academic Affairs; Linda M. Beale, President, Academic Senate; Faisal Almufarrej; Leela Arava; Poonam Arya; Paul Beavers; Juliann Binienda; Cathryn Bock; Erika Bocknek; Timothy Bowman; Tamara Bray; Stephen Calkins; Leah Celebi; Wei Chen; Pamela Dale; Victoria Dallas; Richard Dogan; Kelly Dormer; Brian Edwards; Tom Fischer; Wanda Gibson-Scipio; Ewa Golebiowska; Siobhan Gregory; Smiti Gupta; Xiaoyan Han; Robert Harr; Lance Heilbrun; Marisa Henderson; Peter Henning; renee hoogland; Michael Horn; Arun Iyer; Barbara Jones; Thomas Karr; Kristen Kaszeta; Mahendra Kavdia; Fayette Keys; Christine Knapp; Manoj Kulchania; Sarah Lenhoff; Wen Li; Krishna Rao Maddipati; David Merolla; Santanu Mitra; Rayman Mohamed; Ekrem Murat; Sandra Oliver-McNeil; Charles Parrish; Sean Peters; Richard Pineau; Leonidas Pittos; Avraham Raz; T. R. Reddy; Shauna Reeves; Stella Resko; Robert Reynolds; Brad Roth; Krysta Ryzewski; Ali Salamey; Berhane Seyoum; Naida Simon; Elizabeth Stoycheff; Scott Tainsky; Ronald Thomas; Ricardo Villarsa; William Volz; Jennifer Wareham; Robert D. Welch; Hossein Yarandi; Yang Zhao

Members Absent with Notice: Jocelyn Ang; Susan Davis; Alan Dombkowski; Kelly Driscoll; David Kessel; Prahlad Parajuli; Victoria Pardo; Rachel Pawlowski

Members Absent: Samiran Ghosh; Daniel Golodner; Justin Long; Bharati Mitra; Ellen Tisdale; Jeffrey Withey; Fu-Shin Yu

Others Present: Thomas Anderson, Liberal Arts and Sciences; Stephen Bowers, University Library System; Alexis Brown; Jon Cawthorne, University Library System; Mike Hawthorne, University Library System; Daren Hubbard, Computing and Information Technology; Chirag Khimavat, Office of the Academic Senate; Amanda Levitt, Graduate Employees Organizing Committee; Dawn Medley, Enrollment Management; Mary Paquette-Abt, Fine, Performing and Communication Arts; Karin Tarpenning, Liberal Arts and Sciences; Barrett Watten, Liberal Arts and Sciences; Angela Wisniewski

CALL TO ORDER: Provost Whitfield called this regularly scheduled meeting of the Academic Senate to order at 1:33 p.m. The meeting was held in the Bernath Auditorium in the Undergraduate Library.

- I. **UNBUNDLING OF ELSEVIER JOURNALS:** Jon Cawthorne, Dean of the Library System, Stephen Bowers, Interim Associate Dean of the Library System, and Mike Hawthorne, Director of Library Resources and Collection Strategy Services, presented information about the unbundling of journals the library purchases from Elsevier. Mr.

Cawthorne said that 70,000 reputable journals are published. Elsevier publishes about 3,600 of the journals. The library spends \$2.2 million of its \$9 million budget for the approximately 600 journals it buys from Elsevier. The library is unbundling the journals, looking at access. They will purchase individual journals so researchers will be able to get the articles they need.

Mr. Bowers said that the Library System has faced significant challenges to its budget. Over the last few years, Elsevier has consumed an ever-increasing portion of the Library's overall acquisition budget. The "Science Direct Big Deal" consumes about 23% of the overall acquisition budget. The price increases about 4% every year. Since the mid-1990s most libraries have embraced the "just in case" model where they purchase large packages of journals. The packages included titles that the library traditionally subscribed to, titles for which they had not had subscriptions, and, over time, open access titles. As the budget has remained flat or shrunk, the library's commitment to long-term journal packages has proven to be unsustainable. In addition, the data suggests that some titles are not used as much as thought. The library is therefore changing its model to be more cost conscious by moving from a "just in case" model to a "just in time" model. That is more reflective of patron-driven need.

Mr. Hawthorne explained how the library would realign its resources to purchase material that researchers are using and to have resources to respond to new research needs. The library's goal is to cultivate partnerships with other lending institutions and to strengthen our resources with other partners. The interlibrary loan service will be strengthened. The library will purchase specific high-use, high-impact journal titles with the money that is not spent on Elsevier. It is likely the library will purchase about 25% of the 600 titles currently received through the Elsevier Big Deal package on a per subscription basis.

The change will not inhibit researcher's access. The ability to find an article is relatively easy and that will not change. Researchers will be able to find the article or book they need by looking through the library catalog. The library will still have indexing. Older content still is heavily used, and the library has acquired many older titles and electronic back files to support future research over the last few years and will continue to do so.

The library is partnering with the Great Western Library Alliance, which is a consortium of libraries

primarily west of the Mississippi River including the University of Oklahoma, the University of California, the University of Nebraska, and some of the larger research institutions. The library has an agreement with these institutions to loan or deliver titles or articles at no charge within a 24-hour period. Rapid ILL is an international interlibrary loan consortium of roughly 335 libraries. They, too, are obligated to deliver articles within a 24-hour period. The average turn-around time for Rapid ILL is about 12.5 hours with a 97% fill-rate. They are delivered even on the weekend. MIALA is a consortium of Michigan academic libraries that also is obligated to return or deliver articles or requests within a 24-hour period. The Hathi Trust Digital Library is a consortium of 150 libraries that is strong in humanities and social sciences.

As far as copyrights are concerned, they are built on the idea of guidance. It is not a law so there is not much concern that our copyright costs will increase greatly when we unbundle our Elsevier subscription. The library has done a very good job of diversifying how, where, and when it gets content.

There will be consultation with each of the schools and colleges as the unbundling moves forward. The library staff will meet with school and college faculty committees and faculty liaisons. The staff will use the library dashboard to track by department and title what is being requested: if a specific title is requested at a high rate and the copyright is more expensive than the subscription, the library will subscribe. The library's web page guide will update constantly with information about the Big Deal, the reason for unbundling, and what our partners within the academic community are saying.

Concern was expressed about basing the use of journals on the click rate. For example, some journals covering scholarship on ethnic and racial minorities have a lower click rate. If the decision to purchase journals were based solely on the click rate, that type of research would be marginalized. Mr. Bowers responded that the library is looking at additional data, including fill rates for interlibrary loans. The meetings with faculty in the schools and colleges will assist library staff in understanding how the changes impact faculty and in learning what is needed for their work. The staff will gather as much information as possible on which to base decisions. Sometimes it is better to purchase a title rather than use interlibrary loan because the usage is high. The goal is to be more flexible in meeting various needs. Spending 25% of the acquisition budget on one publisher does not allow the library to satisfy new research needs. Unbundling frees money to

purchase other material for people who are doing very specific research.

Ms. Beale said that Policy Committee, in its meeting with Mr. Hawthorne and Mr. Bowers, had emphasized the need for library personnel to meet with faculty library liaisons and school/college library committees in deciding which journals to purchase. It is important that graduate and postdoctoral students be consulted about their needs as well.

Mr. Cawthorne said they could not estimate how much money would be saved due to changes in the ways publishers charge for their products. He noted that for many years, libraries talked about cutting journals. They are not talking about that now. They are trying to assess what is needed. They will invest in the subjects that are needed.

Mr. Bowers clarified that the library is not actually saving money but rather realigning how it purchases material in order to maximize what it can purchase. The library supports the research needs of all the academic departments. Mr. Hawthorne has contacted every academic department to meet with them about the process. They have communicated with the deans. They want the research and academic community to be part of the decisions.

A member asked whether Canvas permalinks would now result not in direct access to articles but a request for an interlibrary loan. Mr. Bowers responded that since it is only the Science Direct Big Deal that is being unbundled, this would primarily affect only STEM departments. There may be some changes if a faculty has permalinks. The liaison librarians will be working with each of the affected departments to detail how the interaction will work. Faculty will be encouraged to review the links they have for their courses, because some may change. There is no central system in the library to track permalinking in Canvas.

The Senate thanked Mr. Cawthorne, Mr. Bowers, and Mr. Hawthorne for their presentation. Provost Whitfield commented that the ability to control costs and retain convenient access is important. The libraries, he said, are doing a thorough job in consulting and keeping costs under control. In the past the library had not budgeted for inflation. It has recently. Ms. Beale mentioned that Elsevier has about a 35% profit margin on the bundled journals so unbundling where many of the journals are not used appears to be a sound approach.

II. CONFIRMATION OF THE PARLIAMENTARIAN

The bylaws gives to the Policy Committee the responsibility of electing the parliamentarian and submitting the choice to the full Senate for confirmation. Ms. Simon, the chair of the Elections Committee, MOVED that the Senate CONFIRM Stephen Calkins as parliamentarian. The motion was SECONDED. PASSED.

III. CONFIRMATION OF THE VICE CHAIR

The bylaws gives to the Policy Committee the responsibility of electing the vice chair and submitting the choice to the full Senate for confirmation. Policy Committee elected renee hoogland to serve as the vice chair. Ms. Simon MOVED that the Senate CONFIRM renee hoogland as vice chair of the Senate. The motion was SECONDED. PASSED.

IV. PROCEEDINGS OF THE ACADEMIC SENATE

September 11, 2019

It was MOVED and SECONDED to APPROVE the Proceedings of the Academic Senate meeting of September 11, 2019. PASSED.

V. CONSIDERATION OF MOTIONS

At the September 11 Senate meeting two motions were put on the floor, one about the issuing of a gag order, the other about the deletion of a whistleblowing email message. The discussion and the vote were postponed until this meeting. The motions were removed from the table.

Ms. Simon had put the motions on the floor in September. She made the following statement.

I want to take this time to thank all of the academic community that called me or stopped me on campus to offer moral support. I truly appreciate your encouragement and support. My stand is not an ad hominem, personal vendetta against any of these four named individuals. Administrators take on responsibilities when they accept their positions, and one of their responsibilities is to safeguard academic freedom from attacks both from within and without. If they make egregious errors in that regard – such as the issuance of the gag order and the deletion of the whistleblower email – they should be held accountable, else the very existence of academic freedom is at risk. These two motions are a signal that the Senate will give voice to our concern when academic freedom is threatened.

A. Gag Order Motion

The Academic Senate deplores the issuance of a gag order by English Department Chair Caroline Maun, with the support of CLAS Dean Stephanie Hartwell, to the department's faculty, academic staff, and students, in regard to a set of misconduct allegations then under investigation. Members of the administration who serve as deans and chairs must recognize the importance of academic freedom and avoid taking actions that undermine the rights of members of the university community to speak on controversial issues. Here, the Chair stated: "I have called for a cooling off period, and it will be respected. Using posters, *or any other means*, to enflame the situation or *produce additional conflict is prohibited*" (emphasis added). This effort to impose a gag order – which here applied even to abstract references – cannot be brushed off as an erroneous all-things-considered judgment; rather, the administration needs to acknowledge that any such measure is a *per se* inadmissible violation of academic freedom. Moreover, although departments may impose neutral limitations on posterage, free speech principles do not permit removal of posters on the basis of a disfavored viewpoint or abrupt suspension of established practices in reaction to the expression of disfavored views. Gag orders run counter to core values of free inquiry and discussion and cannot be condoned by the university or this Senate.

Ms. Beale made the following statement.

These motions are not an easy step to take. We all know and work with these administrators. They are not our adversaries, but our colleagues and in some cases our friends. We all work together to make the university a better place – both in the sense of a better educational institution and in the sense of a better place to conduct our worklife with integrity. I myself know some of these administrators well, others not well, and others not at all. I like and respect Daren Hubbard after working with him on the Internet Systems Management Committee for several years. It therefore pains me to say that I will vote yes on both of these censure motions and I urge you to do likewise.

I will vote yes because an educational institution cannot allow itself to become a corporate entity that has top-down manage-

ment that imposes its will on its employees (the academic faculty and academic staff included), appears to cater to its clients (our students), while all the time advancing management's interests and "circling the wagons" to protect fellow managers from true accountability.

When administrators take on management responsibilities, they take on the responsibility of respecting and safeguarding academic freedom whether the threats to that freedom come from belligerent community members demanding that their favorite be hired for a position or kept in a position, or from higher-level administrators foregoing consultation to issue autocratic decrees restricting academic freedom or from their well-intentioned but misguided efforts to handle a difficult situation.

When they fail as occurred in these three instances of disregard for the free speech and academic freedom rights of faculty and academic staff, they must be held accountable or there will be an institutional slide toward autocratic responses. Whatever one's personal views are of the current national situation, it cannot be denied that the breach of norms of integrity and ethics and transparency have had a negative impact even on congressional oversight, which is a part of our constitutional democratic expectations. That can happen to any institution, including this one. When these rights are threatened, we must speak up. Marilyn Kelly asked me at the Board meeting why does the Senate just talk, why doesn't it take action. I'm not sure what action she thought we could take when she asked me that. We are not administrators empowered to act. We talk a lot and try to communicate and have useful dialogue with those who are empowered to act. We invite administrators to our frequent Policy meetings. We have committees that meet with administrators. The only *actions* we can actually take are votes—either to support positive actions on educational policy, such as our vote on the reform of the Gen Ed curriculum, or to hold people accountable, such as these censure motions. These motions are the action the Senate can take to demand accountability and acknowledgement of the egregious errors in failing to protect academic freedom that have occurred.

The Senate provided the agenda of the meeting as well as copies of the motions to each of the named individuals and notice that

the motions would be voted on at this meeting. AVP Hubbard acknowledged it with merely thanks for letting him know. I talked with him today before the meeting. I did not hear from AVP Medley.

Dean Stephanie Hartwell sent an e-mail with the following statements:

I received your letter and the draft motion. I do not accept this characterization, and reject the language of a "gag order." Supporting the Chair of a Department trying to deescalate a situation in a very difficult chaotic context is not matter of academic freedom.

Chair Maun said the following:

I've received the draft motion for October 2, 2019. I object to the language of the May 14th email being interpreted out of its full context. During that period, posters were unacceptably being used to target and bully individuals in my department.

I responded on behalf of the Policy Committee to each with similar letters. The letter to Chair Maun said the following:

Thank you for your response. As we have always tried to make clear when discussing free speech and academic freedom issues, we understand the difficulty of the situation. Nonetheless, chairs and deans should understand that a gag order is inappropriate and a violation of academic freedom rights. Thus, while the Policy Committee appreciates your concern regarding the content of the gag order, members did not see the posters with the Tutu statement about injustice as being bullying. Moreover, it seems clear that squelching dialogue about controversial matters tends to amplify rather than diminish tensions over the underlying issues. As you may know, recent Title IX proposed regulations indicate that those handling Title IX complaints "must not restrict the ability of either party to discuss the allegations under investigation." (November 29, 2018, proposed regulation.) This has been interpreted by our own General Counsel's office as indicating that gag orders, including asking for confidentiality and no discussion with respect to matters subject to a complaint, are not allowable.

I, therefore, urge that we do vote yes on these difficult motions.

Mr. Mohamed expressed the hope that members would consider that anyone could err in sending an email. There is a difference between a one-time event and a pattern of behavior. Was there, he asked, evidence of a pattern of behavior versus a one-time event? Ms. Beale responded that as far as the Policy Committee knows it was a one-time event. She added that this was an event that has tremendous consequences in that *the chair ordered all faculty, academic staff, and students not to discuss the matter*. Title IX regulations say that a gag order is not allowed.

Mr. Mohamed thought the Senate needed more information to make an independent decision about the faculty member's behavior to determine if the action the chair took was appropriate to protect the university from legal liability. Ms. Beale responded that the Senate is not an investigative body. The Senate is a responsive body in terms of upholding academic freedom.

The Provost spoke to indicate that he thought this might not be considered a gag order. Chair Maun wanted the members of the department to cease and desist and told people they would have to ask for permission to post. That might be viewed as a bit limiting because someone is deciding what can be posted. The Senate may not have the exact response of the chair and the dean about the individual events. They provided a timeline; that might be additional information that would change the view of the action that was taken.

Mr. Roth noted that there is additional context in the addendum to the letter to President Wilson that was given to the Senate for the September meeting. The motion states that the Senate "deplores the issuance of a gag order." It is not specifically censure of the individuals. The wording was written to focus on the inadmissibility of the act itself. It is critical of their decision, in that there are certain kinds of actions that are not appropriate, regardless of the situation. There are doctrines of law pertaining to such matters. Questions of academic freedom have been dealt with in specific ways. For example, if there had been so many posters around a department as to create a serious problem in terms of the time, place, and manner that the expression occurred, it would not be an appropriate remedy to bar posting. Maybe it would be permissible to take down many, but not all of the posters. In this situation, the statement made by the Chair to the department was one of *silencing the viewpoint*. That crosses a line. It is very important to focus

on the specific act rather than the overall context that may elicit sympathy.

Mr. Edwards asked if the faculty in the English Department had taken a position on the issue and if the motion was prompted by their concerns. Ms. Hoogland said that the faculty did not take action. The initiative was an Academic Senate matter and was not led by the faculty in the English Department.

Mr. Raz said that a gag order should be issued by a judge, not an administrator in an academic institution. It is illegal for an academic institution and should be dismissed.

This ended the discussion. It was MOVED and SECONDED to vote by secret ballot. That motion PASSED. The members voted. (The ballots were counted after the Senate voted on the second motion.)

The motion PASSED with 48 yes votes, 17 no votes, and one abstention.

B. Whistleblowing Email Motion:

The Academic Senate hereby censures Associate Vice President Dawn Medley for requesting, and Chief Information Officer and Associate Vice President, Computing and Information Technology Daren Hubbard for executing, the deletion of a departing financial aid manager's whistleblowing e-mail message from the university e-mail accounts of all of the message's recipients (as well as from the accounts of those, including the Academic Senate President, to whom the immediate recipients had forwarded the message). University administrators must under all circumstances refrain from taking actions that undermine the rights of members of the university community to share information on controversial issues, including strong criticisms of actions by university administrators. University policies prohibiting the sending of harassing or abusive e-mail messages cannot plausibly be read to justify scrubbing from system users' accounts a received message that, however contentious, simply recounts alleged facts and expresses a disagreeable opinion. Whatever her view of the message's merits or of its likely effects on the criticized administrators, AVP Medley, in seeking to squelch all discussion of the issues that the message raised, violated the rights of the university's e-mail users by requesting that the message be made to

disappear from recipients' in-boxes. Of even greater concern, CIO Hubbard, acting without the advice of the General Counsel's office, violated the rights of members of the university community by acceding to this request. These actions by AVP Medley and AVP Hubbard to censor substantive content critical of university administrators were clear and intrusive violations of rights fundamental to academic freedom. Censorship of this egregious nature can never be condoned by the university or this Senate.

Associate Vice President for Enrollment Management Dawn Medley addressed the Senate with the following statement.

Thank you for the opportunity to address this body and thank you, Professor Beale, for recognizing me. I also want to thank the members of your body who have reached out to me to offer support through this very difficult time. The people who phoned, emailed and also wanted to make sure I was aware of this meeting and that I would ask to speak. The portrayal of a whistleblower email and the removal provided an incomplete picture of events as it has been shown to you all. Mr. Andrew Carter, who was himself an administrator and was not an academic staff member or a member of faculty, was not a whistleblower and the removal of an email he distributed to Wayne State University via list serve and to individual employees was justified as it was a violation of the current university policy regarding the use of emails to continuously harass others. Mr. Carter had previously claimed and had filed claims with the Wayne State Office of University Equal Opportunity as well as EEOC. His allegations expressed in this continued email were already fully known to university administrators, were extensively investigated, and had been determined [to be] without merit prior to this email being sent. It is clear that this removal of an email was not an attempt to quash his First Amendment rights or prevent him from making a claim of discrimination. Mr. Carter was simply upset that his accusations had been unsubstantiated. [NOTE: A statement by AVP Medley revealing private medical information about Mr. Carter has been redacted.]

Senate members vocally objected to Ms. Medley's revelation of Mr. Carter's private medical information. Ms. Beale cautioned Ms. Medley that her statement would be redacted

from the minutes and that she should not present her views on the accuracy or inaccuracy of Mr. Carter's statements but rather address whatever justifications she sees for the deletion of the whistleblowing e-mail. The critical information is that the e-mail was critical of administrators: whether true or wrong, it was a whistleblowing e-mail. *Substantive content* under the current computer use policy *cannot be deleted*.

Ms. Medley continued.

Prior to submitting his resignation there had been numerous targeted efforts towards current staff. Some of the employees felt harassed by these on-going e-mails and had sought relief by contacting various offices on campus. Several employees had felt so threatened by these e-mails and other behaviors that they had taken to calling out sick and parking in other parking structures. Mr. Carter's e-mail, while unflattering to me, is not nearly as critical as many of the other newsletters that had been circulated. I did not seek to have it removed from the server because of the criticism leveled at me. Rather as the leader of the enrollment management division, I thought this was a libelous e-mail as a continued form of harassment toward members of the staff and employees who were named.

Pursuant to the policy on harassment in the form of e-mail, I did ask to have the e-mail moved to spam. I also knew full well that it would not prevent it from being forwarded or printed as it was already distributed and out in the free world. The enrollment management staff members deserved protection from ongoing false narratives and also from the spamming on listserves of the students and members of the staff and faculty.

I also wish to address the lack of full understanding of the Policy Committee regarding this issue and the notice. To date, no one has reached out to me to understand this situation and how it came to be. The assumptive nature and the accusation without investigation or the opportunity to have me speak was poorly guided and ill-conceived. I am hopeful that by presenting a more full picture as I have done here the members of the Academic Senate who are interested in truth and facts will understand the nature of the policy as it written and how I acted fully within the scope of that policy. Unfortunately the Academic Senate member who brought this

motion and the President of the Senate made no effort to seek the facts in the matter before proceeding with the motion for censure. The Policy Committee asked me to meet with them two days before the motion was introduced in the September Senate meeting. At the Policy meeting, we discussed financial aid, the student services center, and various areas of recruitment. No one at that meeting mentioned any concern or asked for any clarification of this e-mail or situation even though all of them were in possession of that e-mail at that time. I have had communications with four members of the Policy Committee regarding other issues since that time and still no one has asked me about the situation or why I took the action I did.

The Policy Committee has expressed concern over this policy by which the e-mail was removed and has been afforded the opportunity to work on a revision of the policy. However they still wish to pursue this motion of censure. They have stated that the policy is poorly constructed. Whether or not the policy is poorly constructed really isn't relevant to this motion of censure. It is a current policy and I acted within the scope of that policy. I did so to prevent the further harassment of enrollment management staff who had been cleared of allegations of harassment or discrimination and to remove a libelous e-mail that had no business purpose. This is not an issue of freedom of speech or academic freedom but is one of abuse of university resources and harassment which is what the policy was designed to address. And earlier the president of the Senate mentioned that institutions should be safe places to work and to also have employees expect that they will be respected and not harassed while they are there. My removal or request of removal to Daren Hubbard was simply that, to make sure that the members of the staff who were there felt protected and felt that they were in a safe work environment. Thank you.

Chief Information Officer and Associate Vice President for Computing and Information Technology Daren Hubbard made the following statement.

Thank you for allowing me the opportunity to speak and address these concerns. I want you to know I take this very seriously. I have worked at this institution for twenty years and five years at a previous institution where I take the notions of academic freedom and

freedom of speech very seriously. I think characterizing the removal of Mr. Carter's e-mail as a whistleblower does not necessarily portray all the facts relevant to the action that was taken. There was a larger context in which this message was the culmination of weeks of interaction between Mr. Carter and that staff and we agreed after discussion and after verification that these things had been reported to other locations on campus that have authority to investigate, we agreed that these things did in fact approach the threshold for violating our harassment policy or using e-mails to harass individuals. It should be noted in addition, Mr. Carter sent this message on the last day of his employment. He had already submitted his resignation and was literally on his way out the door when he sent this message. We had no intent to silence the issue. This information taken into the larger context with the other things that had happened, we felt that while removing the e-mail would not necessarily silence this issue, we wanted to support AVP Medley in her effort to support the staff members that were maligned in the e-mail. As leader of an organization, I can tell you that people do take their jobs very seriously and their ability to come to work and not feel like they are being unduly harassed or unduly criticized even after they have been investigated and cleared of wrongdoing is something that's important to staff members and important to maintain the morale of individuals that work at this institution. So in taking this action and agreeing to remove the e-mail or, more correctly stated, to move the e-mail from the inbox into a deleted folder so that it would not necessarily be present for the folks he commented on or commented to was an effort to support those staff members at that time. There was no effort necessarily to go in. The way that the technology works is that an individual creates a script and the script finds the versions of the email and moves it from the inbox into the deleted folder. There was no human interaction to target individuals in any way, shape or form. Those are things that we do take seriously and we do take our charge and our responsibility to protect Wayne State and our ability, all of our ability to use the e-mail system to both receive messages and send messages very seriously.

As technology has advanced considerably since the policy we have been working under and acting under was promulgated, I propose

that we address these concerns and others by working in concert with the Academic Senate to revise the policy so that protections to your liking and to our mutual benefit of supporting academic freedom and freedom of speech can be codified into the policy so we won't find ourselves in a situation where there's a dispute about whether something should be removed or not. The policy can be written and more individuals can be added to the list of required folks to take a look at these issues and decide upon them rather than just my office. I have reached out to the President of the Academic Senate and Chair of the Policy Committee to work with me on doing that. And I commit to doing that. We have started the process. We receive over 800,000 e-mail messages per day. We manage roughly 43,000 accounts out of 206,000 accounts that are in our domain. In those we try never to lose a message and never to make it impossible for folks to send and receive messages. I wanted to put that in larger context, as well. Thank you.

Ms. Simon commented.

I have spoken with people in enrollment management, student workers, financial aid officers and managers. I was able to *verify* at least two of the claims of discrimination against various groups that Mr. Carter made. I also read the Office of Equal Opportunity report mentioned by AVP Medley, who has just claimed that the report exonerated the two financial aid officers. The two financial aid officers were the only ones questioned, and one admitted to making anti-gay statements. That is *not* exoneration.

Mr. Parrish was astonished at the response of the two administrators.

Associate Vice President Medley's comment about the individual and his personal health is outrageous. Mr. Carter's e-mail statement was measured. It was not libelous. He appropriately raised this issue in a staff meeting and was given a letter of discipline for doing so. Rather, his superiors should have immediately sent him to OEO to begin an analysis of the situation. He raised a serious concern in his message. He did not threaten people. At the August 26 Policy Committee meeting, President Wilson agreed that removing the e-mail was an erroneous act and changes were needed. That an administrator can decide that a statement is offensive and violates rules and can ask that an

e-mail be removed cannot be tolerated. Administrators need to be called to their duty. They are not free agents to take such action. I support the motion to censure. Then, we must try to move forward.

Questions remained about the motion on the floor and what members were being asked to vote on, with some Senate members not having read the background material provided at the September meeting. Ms. Beale said that the Acceptable Use of Information Technology Resources policy applies to the person sending an e-mail. The e-mail sent by the former employee was forwarded to Ms. Beale with an explanatory e-mail by someone who had received it directly from the sender. The person who forwarded it thought the issue was something of which the Academic Senate should be aware. Ms. Beale did not know that the e-mail had been deleted until five days after receiving it. The forwarding e-mail was in her messages, but it was blank after the "begin forwarded material" where the original material from the former employee should have been. This was explicitly a deletion of substantive content, in no way permitted even under the current policy.

Ms. Wareham asked why CIO Hubbard had not told the recipients of the e-mail that it had been deleted from their e-mail accounts and the reasons why. There is no transparency when the university decides to act on your behalf. Mr. Hubbard responded that although they did not send a message to each individual impacted by the deletion, there was a statement on C&IT's website. They did not intend to hide what had been done. They wanted to be transparent.

Another member asked whether there was some option other than censure if a member believed the administrators acted in good faith but made the wrong decision. Ms. Beale said the only options the Senate has are to talk about issues and to take some type of censure motion.

Provost Whitfield believes other actions could be taken. There is an artificial distinction between faculty and administrators. If we are to manage the university in a collaborative manner, there should be other things that could be done. In President Wilson's response to the Policy Committee as a result of the August 26 meeting, he said that the policy on the use of technology would be revised, and that will be done. It is an old policy. In the case of the gag order, the Provost is discussing the suppression of discussion with the deans. We are a university that

respects academic freedom. This is a teachable moment. There is a middle ground where we should address issues as a university community.

Ms. Dormer commented on disparaging someone as AVP Medley did. There is still a stigma in this country. The comment was inappropriate and insensitive and it amplifies the situation to a different level.

In noting that there were many references to harassment, another member suggested that we might have a culture problem and need education or training about racial, ethnic, sexual and disability differences. There may be a middle ground but the comment about the former employee's health speaks to a climate problem at the university. The climate study showed that people with disabilities don't feel valued. Everyone should be able to express their concerns and receive a response.

Ms. Beale commented that as a Senate we cannot do many of the things suggested. The members can participate in discussions about policy but the body does not have decision-making power. There have been reports of administrators who bully, and the Senate can urge the administration to act on bullying but cannot act to discipline an administrator who bullies. There is a critical difference between administration and faculty, even for administrators who hold faculty rank. Administrators have power to make decisions. The Senate does not. Other than our minutes and making recommendations, the Senate can only pass a motion that expresses the sense of the Senate.

A member asked who determined that the e-mails were harassing or whistleblowing. Ms. Beale said that AVP Medley claimed it was a harassing e-mail and asked AVP Hubbard to delete it. When Ms. Beale asked AVP Hubbard if he had deleted it, he admitted that he had for two reasons. First, that we are not a public forum, which, Ms. Beale said, is irrelevant. We are a university forum. Second, that it was borderline offensive. That, Ms. Beale said, is not covered under the Acceptable Use Policy, which states that the e-mail has to be malicious or harassing or something that a reasonable person would find to be harassing. The Senate, Ms. Beale said, is not being asked to vote on the underlying facts. The vote is on the inappropriateness of the administration deleting a whistleblowing e-mail's content throughout the university system. The motion criticizes the administration for deleting the substantive content of the e-mail even when

it was forwarded to other people because it was thought to be of significant concern.

This ended the discussion. It was **MOVED** and **SECONDED** that the vote be taken by secret ballot. **APPROVED**.

The whistleblowing e-mail motion passed with 58 yes votes and 9 no votes.

Ms. Beale thanked the senators for their consideration of these difficult issues.

VI. REPORT FROM THE SENATE PRESIDENT:

A. Report and Announcements

1. Airport interviews with the candidates for the position of Vice President for Health Affairs and Dean of the School of Medicine will be held soon. The pool of candidates was small but there are good candidates. The search committee is working well together. They have reached fairly strong consensus on most issues.
2. The Board of Governors met September 20. That was the first meeting since the contentious meeting on June 21 when the Board split evenly in a schism that continues. The Board approved the proposed university budget. The schools and colleges received the lowest percentage increase among the categories that receive funding from the general fund. The university administration revised the budget proposal shortly before the Board meeting because there was an announcement that the Michigan legislature's conference report provided a .5% increase to the state appropriation, which is about \$800,000 less than the amount the administration had expected in our state appropriation. Luckily, that is about the same amount that the administration thought we would save on benefit costs, so there was no increase to the cuts to the schools and colleges. Ms. Beale noted that the budget of the Office for the Vice President for Research received an increase of \$2.5 million for a total budget of \$25.5 million for FY 2019 – 2020. It is hoped the increased funding would result in a visible increase in research over the next year.
3. The general studies degree in Liberal Arts and Sciences was approved by the Board in June with a proposal that did not agree with the proposal the CLAS faculty had approved. The Board's Academic Affairs Committee had agreed to consider a

revision at its September meeting. The wording was changed to comport with the goals of the document approved by the CLAS faculty. The full Board approved the modified degree proposal on September 20. Ms. Beale thanked Ms. Hoogland for working with the Academic Affairs Committee and the Board to revise the proposal. It is important, Ms. Beale said, that the Board respect academic processes.

B. Proceedings of the Policy Committee

The Senate members received the corrected Proceedings of the Policy Committee meeting of July 17, 2019, and the Proceedings of the meetings of September 9, September 16, and September 23, 2019 (Appendix A). Ms. Beale called the members' attention to several issues.

July 17, 2019

The paragraph about the posting of notices in the English Department was corrected.

September 9, 2019

In fall 2018 the university became involved in the Race Card project (item #1) where people write brief comments about race. Policy Committee discussed how the cards could be used in courses. The Reuther Library hopes to initiate data projects for students using the cards. The Faculty Affairs Committee may discuss how to inform faculty that data is available for use in courses.

September 16, 2019

The Policy Committee learned about the unbundling of the journals (item #1). It is important that faculty who need particular journals have an opportunity, through departmental library liaisons and the various committees, to consult with the library staff about their needs. The money saved from the unbundling will be used to purchase other library resources.

The subject of childcare (item #2) will be brought to the Senate again. Ms. Beale is certain that it will be discussed in the university's Capital Planning and Priorities Committee and as we move forward with the master plan. The university thought it had a temporary measure in an agreement with Rainbow Child Care Centers to provide care for a certain number of children at a discount and to provide drop-in care. However, that center was purchased by a large commercial

entity, KinderCare. KinderCare would only provide that type of care at a higher price. The Senate will continue to work with the administration to find a solution to our childcare needs.

Policy Committee is working with Provost Whitfield to set up the Type I Centers and Institutes Advisory Committee and with Vice President for Research Stephen Lanier to set up the Type II Committee. These committees review requests to establish centers and institutes and requests to re-charter established centers and institutes (items #6 and 7).

Ms. Simon corrected item #7.c that mentions the guests who will meet with the Student Affairs Committee this year.

IV. REPORT FROM THE CHAIR

Provost Whitfield spoke about the work of Annmarie Cano, the Associate Provost for Faculty Development and Faculty Success. One of her initiatives is the podcast *EmpowerED to Lead* in which she interviews academic leaders at the university to learn how they developed their careers while empowering themselves and others. The podcasts are at provost.wayne.edu/empowered. To date there have been 1200 listeners. Ms. Cano also has information for department chairs as well as at other leadership levels.

Ten new faculty joined the university this fall having been hired through the interdisciplinary hiring process on the subject of big data and business analytics. This year's interdisciplinary process will focus on social and behavioral determinants of health. The search committee is being formed. Research groups will be formed with people who submit a proposal but are not funded. They will create some consensus and thought around work being done in this area and provide a community to interact with the faculty who will join the university next year.

Provost Whitfield commented on some of the discussion at today's meeting. Words, he said, are very powerful. How we say something has an effect. The distinction between faculty and the administration is talked about at many universities. One of the distinctions made today was that administrators make decisions and faculty do not. The Provost completely disagrees with that statement. For a long time, the provost has sat as chair of the faculty senate. He thinks that is because administration done correctly represents faculty decisions. Decisions are not

made without faculty input. The Provost carries the responsibility of making decisions. He tries to get as much input from faculty as possible. Everyone who reports to him (about 34 people) hears that consistently. Sometimes the people who report to him say, "Well, in the past we just did it this way." Even in his fourth year here, he has to try to change that thinking. We have to work together to make a better university community.

We talk a lot about diversity and inclusion. As a university community it will only happen if we make sure that we keep the lines of communication open. It is one of the reasons why your service in the Senate is critically important. It is one of the ways the administrator who makes those decisions can do so based on what he hears from faculty. It is hard amongst very learned and smart people to always get to consensus. The more the Provost hears the better the final decisions are made. Administrators do make mistakes and they should be held responsible. But they should have the opportunity to correct the things that have gone wrong, whether they were done yesterday or ten or twenty years ago.

The Provost appreciates the time the faculty and academic staff spend in the Senate. Some of their colleagues may not appreciate the representation the members provide them, but the senators do inform the Provost. The perspectives they share are part of his decision-making. Senators should believe that they contribute to decisions and changes at the university every day.

Mr. Villarosa agreed that words matter. He sits on the steering committee for the Academic Leadership Academy. Speaking for himself, the academic staff who serve on the Senate, and the academic staff whom they represent, he asked that the Provost occasionally acknowledge that academic staff as well as faculty serve on the Senate. Provost Whitfield said that he uses the word "faculty" as a broad term. He means everyone who serves in an instructional role, which is basically everybody. However, he will do a better job to include academic staff in his remarks. Classifications are important for some things, but there are others where we would not make the distinction. We all are part of this university and contribute to providing a great education for our students. The Provost thanked Mr. Villarosa for his comments.

Mr. Parrish said there is a difference between the people who are represented in the bargaining unit and management. We are all in this together, but we also have different interests. Studies point out that the rise of the administration in universities is a recent phenomenon. There are more and more administrators. Administrators are well compensated. Their raises are higher than the raises for faculty and academic staff. That represents a difference that we have to recognize as we move forward and attempt to make policy.

The Provost disagreed. He thinks the faculty and academic staff share a lot of the same interests. They share an interest in trying to educate students and in making sure that they produce scholarly material. Some of the distinctions about salary are because people have different jobs. Faculty are paid different salaries based on their disciplines. Focusing on differences is a divisive perspective. You can take the perspective that we can have these discussions.

The Provost said that his colleagues at other institutions do not chair their faculty senates. Many attend the meetings, but they are not part of the senate. Provost Whitfield tells them that he has an advantage in being part of the Academic Senate because he is more responsive and he and the faculty and academic staff can share interests. We can always think of differences but we can also think about similarities; that is how we move the university forward. When people have conversations about similarities you can produce much better products which are our students, our scholarship, and our faculty being able to develop.

Mr. Harr asked about the change in the Graduate School regarding the admission of international graduate students. Now the applicants have to pay the cost of the validated transcripts. The Graduate School used to pay that fee once the student was admitted. Provost Whitfield said that that is one of the bigger issues that has to be solved as a new version of the Graduate School is created. Under RCM the funding for the Graduate School changes because it does not have faculty or courses that generate revenue. The College of Engineering believes this hampers students' applying. The former dean of the Graduate School, Ambika Mathur, conducted a study that showed that the number of applicants has not changed. The Provost has discussed this issue with the chairs of Physics and Chemistry.

Ms. Beale explained her understanding that a few years ago a change was made to require students to send international transcripts through World Education Services with a charge of \$160.00. That charge was covered by the Graduate School but only if the student came and only in the second semester if they were registered for classes. This was a hardship for some students. She understands the policy was again changed as of September 2019 to allow applicants to use other validation companies. There is one in India that is more responsive and cheaper. Students from Mexico may use another one. The policy for reimbursement also changed to permit reimbursement in the first semester as a graduate student here.

VIII. NEW BUSINESS

There was no new business.

ADJOURNMENT: The meeting adjourned at 3:30 p.m.

Respectfully submitted,



Linda M. Beale
President, Academic Senate