

THE UNIVERSITY OF MICHIGAN

SENATE ASSEMBLY

Minutes of the Regular Assembly Meeting, January 21, 1974

ATTENDANCE Present: Allen, Anton, Berki, Bishop, Brockway, Brown, Buning, Caldwell, Cassidy, Cohen, Colburn, Cooperrider, Danielson, Darvas, Ehrenkreutz, Evaldson, Farrand, Adams, Gikas, Harrison, Heller, Berkove, Higgins, Hoffman, Hymans, Ilie, Jameson, Kaplan, Kell, Kelsey, Kerr, Kish, Holbrook, Lands, Lehmann, Loomis, Mohler, Nystuen, Ostrand, Paul, Rowe, Sana, Flinn, Schmickel, Seligson, Sibley, Springer, Terwilliger, Vaughn, Williams, Wilson, Zweifler, Kincaid, Goodman

Absent: Cartwright, Dernberger, Floyd, Creeth, Johnson, Krachenberg, Lagler, Larkin, Lloyd, Magrill, Kline, Oberman, Falls, Taylor, Vander, Hildebrandt

Guests: Professors Frizell Vaughan and Edward Bordin, chairman and vice-chairman, SARC

CALL TO ORDER Chairman Goodman called the meeting to order at 3:27 p.m. in the Rackham Amphitheatre.

MINUTES APPROVED The minutes of the December 17 meeting were approved with the following correction. On page 4, last paragraph, Professor Buttrey should be referred to as the former chairman of the Henry Russel Award Committee.

ANNOUNCEMENTS Chairman Goodman described SACUA's procedures and progress in the search for a new vice-president for academic affairs. He said that President Fleming had transmitted to SACUA a list of names, with some supporting documents, that had been submitted to him for consideration. (A number of clearly unqualified persons had already been culled from the list.) SACUA had got in touch with four target groups thought to have clearly identifiable special interests in the outcome; women, minorities, students, and the Academic Affairs Advisory Committee. Each group had been asked to designate four persons to look through the file of names on a confidential basis (except for the students, in which case sixteen persons had been invited to come or send representatives). Those examining the files were being asked to leave written comments. SACUA members had also been examining the list of names, and were going to have their first group discussion of individuals the coming evening.

One problem that had been commented upon was that the files did not contain much information in many instances. The question here was how much time should be allowed to elapse in gathering more data.

The Academic Affairs Advisory Committee had suggested holding a faculty forum to discuss issues connected with the choice of a vice-president, and one would be held, as announced, at the close of the Assembly meeting.

SACUA was hoping that all inputs for the file would be completed by January 28, and that a list of four or five names could be submitted to President Fleming, as requested, by February 8.

Chairman Goodman also announced that the first draft of the long-awaited faculty handbook had come to SACUA two weeks previously.

RESOLUTION
ON SARC

The next item of business was a resolution concerning the Senate Advisory Review Committee, a statement of which had been included with the call to the meeting. The statement of the resolution follows.

RESOLVED: That the Senate Advisory Review Committee Constitution, as approved by the Senate Assembly on December 15, 1969, be amended as follows:

Part I. Representation: Initial Presentation
(lines 7 & 8 of the second paragraph)

NOW . . . has already been presented to the whole
READS faculty of the unit and specifically disposed
of.

SHOULD . . . has already been presented to the whole
READ faculty of the unit and properly disposed of.

Be it further RESOLVED: That a "unit", as referred to in the SARC Constitution, is defined as being a school or college of the University.

Chairman Goodman read the statement and explained the background of the resolution. The difficulty with the old wording, as seen by SARC, was that, particularly in smaller units, an issue presented to the whole faculty might not really be considered by them. Thus there might be a question whether due process had really been observed. SARC kept hearing rumors of cases that deserved attention but were never presented to them.

Professor Frizell Vaughan, the chairman of SARC, added that during his two-and-a-half years on the committee, they had repeatedly considered extending this jurisdiction to all faculty members. The current resolution was a step in this direction. This might serve as a protection to both faculty members and the University itself. There had been a case recently which had landed in the courts, in which a judge decided that due process had not been followed and had sent the case back to the University for further adjudication. It had been necessary to set up a special review committee in that instance.

Chairman Goodman remarked that it was important to distinguish SARC from the Tenure Committee, which deals with dismissals, demotions, and the issuance of terminal appointments to tenured faculty members. SARC is concerned with other types of issues, for example, the granting or withholding of tenure.

When SARC was set up, the word "specifically" had been intended to prevent one faculty group from overruling the action of another faculty group.

Professor Cooperrider said that he opposed the change, which he did not regard as a minor alteration in wording. He felt that decisions concerning teaching assignments or the granting of tenure were important ones. He had no confidence that an outside group of persons would decide

such an issue better than the faculty of a unit. He felt that it would be anomalous for SARC to pass on the substance of a decision before examining whether it had been arrived at by due process.

Professor Cohen said that no terminology was free of ambiguity. He understood "properly" to mean that the presence or the absence of due process was just what SARC was supposed to look for. Professor Vaughan corroborated this, saying that there was no intention on SARC's part to second-guess true faculty decisions.

In a further exchange between Professors Cohen and Cooperrider, the latter said that "properly" meant substance to him.

Professor Seligson asked what the original meaning was of "specifically". Chairman Goodman replied that it was meant to make clear that the faculty of the unit had really been involved in the specific case in question, rather than involved in a superficial manner. Professor Cooperrider said that as he saw it, SARC was set up to give a faculty member who needed it an assist in dealing with his own administration.

Professor Hymans, with a second by Professor Ilie, moved that the resolution should be amended to make the passage read "has already been presented to the whole faculty of the unit and disposed of by means of an appropriate procedure." Professor Higgins said that he favored the original resolution over the amended one, and Professor Cooperrider said that he was still not completely satisfied, although he regarded the amendment as an improvement.

Professor Berki asked whether the Tenure Committee didn't have the right to re-examine a decision made within a unit, and whether this didn't set a precedent for SARC to do likewise. Professor Cooperrider replied that tenure cases called for a very complex procedure, set up in the Regents' bylaws. Moreover, it was limited to a narrow class of cases, involving the possible dismissal, demotion, or terminal appointment of a tenured faculty member.

Professor Kaplan referred to the case already mentioned that had arisen the previous year, in which a faculty member was denied tenure and went to court about it. The court declared that due process had not been followed within the unit concerned, and compelled the setting up of an ad hoc committee, of which Professor Kaplan had been a member, to review the case. Passing the proposed resolution might prevent similar cases from arising in the future.

Professor Bordin, agreeing with Professor Kaplan, said that the emphasis should be on procedures, and he thought that Professor Hymans' amendment made this a little clearer than the original statement. Professor Anton suggested that there should be a clarifying amendment saying that a grievant would have no further rights if the procedures within his unit were judged satisfactory.

Chairman Goodman remarked that it was 4:00 p.m., which was the time set for beginning the open forum. He sensed wide-spread concern that this matter be handled carefully, and the issue was too important to force a vote just because time had run out. At his suggestion, Professor Cooperrider (with a second from Professor Kish) moved to postpone further discussion until the February meeting. The postponement was passed almost unanimously.

RESOLUTION
POSTPONED

Chairman Goodman asked Assembly members to use the intervening time to sound out their local constituencies on the question. Professor Vaughan added that the resolution should be reviewed in connection with the rest of the SARC constitution.

Professor Joseph Vaughn suggested that the definition of a unit should also be looked at. Professor Loomis asked whether "unit" had meant "department" in the past. Professor Bordin said that a unit was the group that originated a decision. Chairman Goodman said that this depended on the school or college. The proposed definition was meant to clarify what is now ambiguous.

ADJOURNMENT To permit the open forum on the vice-presidency to get underway, the Assembly adjourned at 4:06 p.m.

Wilfred M. Kincaid
Secretary