

THE UNIVERSITY OF MICHIGAN

SENATE ASSEMBLY

Minutes of Assembly Meeting, February 15, 1971

ATTENDANCE

Present: Alston, Asgar, Barnes, Bertolaet, Bishop, Bowditch, Brown, Bowman, Coon, Cornish, Crawford, DeKornfeld, Dowson, Eggertsen, Frye, Galler, Gilbert, Graebel, Handler, Hauenstein, Hinerman, Jensen, Kahn, Kish, Lind, Lloyd, Marsden, Meyer, Michelsen, Mills, Morgan, Nelson, Norman, Overseth, Hazlett, Porter, Price, Richards, Rigan, Rucknagel, Sandalow, Scherer, Dunn, Schuman, Sears, Shappirio, Cooperrider, Sonntag, Wilkes, Yagle, Youngdahl, Yablonky, Weinberg

Absent: Abrams, Bassett, Bett, Birch, Bole, Carter, Castor, Goodman, Hooper, Huntington, Iglehart, Krachenberg, Rhodes, Magee, Hildebrandt, Votaw

CALL TO ORDER

Chairman Weinberg called the February meeting to order at 3:20 p.m. in the Rackham Amphitheatre.

APPROVAL OF MINUTES

Minutes of the meetings for January 18, 1971, and the continuation session of January 20, 1971, were distributed. Action on their approval was deferred until the March meeting to give members a chance to read them.

ANNOUNCEMENTS

Chairman Weinberg made the following announcements:

1. Professor Paul Gikas, of the Medical School, has been designated to replace Professor Meyer Ryder on the Committee on Communications through April, 1971.
2. Pursuant to action taken by the Assembly in approving legislation to stagger terms of members of the OSS Policy Board, the terms of Professors John Bardach, Natural Resources, and Bradford Perkins, LS&A, have been set to expire in 1972, and those of Professors Richard English, Social Work, and Harriet Mills, LS&A, in 1973.
3. The annual report of the Classified Research Committee will be coming to the Assembly in March, in accordance with our regular schedule. Discussions dealing with that report will come at that meeting. If there are matters to be circulated on the subject, these should be relayed to the SACUA office for general distribution to Assembly members.

Chairman Weinberg also called attention to the discussion of the Governor's proposed budget in the University Record for February 15, 1971. He said the proposals had implications in the long run. He called the Governor's proposals "irresponsible" for the major universities in general and said they were a calculated decision by the Governor to dismantle or cut back major institutions. He said the whole academic program of the University will be seriously affected in the next ten years. He said the Governor is treating all higher education badly.

REPORT OF
SACUA
ACTIVITIES

Professor Crawford, reporting on SACUA activities, said SACUA had met with the Regents on January 21 to discuss the proposed Judiciary.

At the SACUA meeting January 25, the question of representation for Library and Research personnel on the Assembly was referred to the Research Policies Committee. That meeting also considered the report of the committee studying the Extension Services, procedures regarding the Judiciary and the calendar.

On January 28, SACUA met with President Fleming and discussed the Judiciary, the calendar and whether to eliminate gifts of hoods for doctoral candidates.

On February 1, the Assembly agenda for the February meeting was discussed and a number of committee nominations and appointments were made.

On February 8, members heard reports from Chairman Cecil Nesbitt of the Economic Status Committee, and Chairmen Harriet Mills and Peter Smith of the Student Relations Committee. SACUA also discussed the proposed rules with Professor Raymond Kahn of the University Council.

On February 9, SACUA met with President Fleming to discuss procedural matters on the proposed Judiciary and heard an informal summary of the Governor's proposed budget.

UNIVERSITY
COUNCIL
FES

Chairman Weinberg, commenting on the procedures regarding the proposed rules for the University Council, noted that the Regents had never acted formally on the proposed Judiciary Bylaw, that, instead, the Regents had instituted an Interim Rule and had authorized a special committee to recommend new rules.

He said the situation regarding the University Council is different. Last spring, he said, the Regents adopted bylaws providing for a University Council. What that means, he said, is that each of the three constituent bodies makes decisions but that the decisions become final only when each of these bodies agrees to identical decisions.

Chairman Weinberg noted that the first draft of the proposed rules for the Council had been distributed with the call to the February meeting. He said SACUA had decided to put these before the Assembly to see which of them members could agree on and these could be sent to ~~see~~ with any changes. These then would be reviewed by ~~see~~ with possible changes and then, in turn, would be returned to the Assembly. *the Council*

As far as the Assembly is concerned, Chairman Weinberg said, it was SACUA's thought that we start the discussions today on the proposed rules and that the faculties of the various schools and colleges be encouraged to discuss these rules as well for recommendations to the Assembly on final action. He explained that members of the Council were present. As a procedure for today's meeting, he suggested that Professor Porter, on behalf of SACUA, would move approval of the Council rules and then the Assembly would move to a Committee of the Whole, with action to be taken, hopefully, at the March Assembly meeting.

Professor Porter moved that the Assembly approve the proposed Council rules dated February 2, 1971. Professor Kahn seconded the motion.

THE ASSEMBLY VOTED TO CONVENE AS A COMMITTEE OF THE WHOLE AT 3:40 P.M.

During the informal discussions, Professor Kahn, speaking for the University Council, pointed out that the proposed rules represented six months of work, with Professor Theodore St. Antoine as Chairman, and represented three constituencies, including SGC and college deans.

Professor Galler wanted to know why the term, "expulsion", is not used. Professor Kahn, in reply, noting that the term, "exclusion", was used, said the Council recognized that expulsion is an extreme penalty, that it is difficult to carry out. He said we have no civil right to kick students out of the community; you cannot really remove a student from the community. He asked what offenses are so egregious that involves expulsion or that could not be handled in criminal or civil courts.

Professor Kaplan explained that these rules represented compromises with students. He said the matter of expulsion was a very delicate point. He said students recognized that when such problems arise, these should be taken to the civil courts.

A good deal of the discussion revolved around this matter of expulsion, questions concerning the relations of the Judiciary to the civil courts, what offenses are to be handled internally, the matter of double jeopardy and the thinking and desire of the Council to reach a compromise so that the courts and the Judiciary won't wind up considering the same actions.

Professor St. Antoine explained the Council's thinking behind Section 4 of the proposed rules. He said the notion was that there were some kind of offenses which could best be left to the civil authorities. At the same time, there were community-state interests where prosecution in both forums could be held. But it was difficult to define those areas. Professor St. Antoine said the Council came to the conclusion that we would make the dividing line the complainants. Where the individual has pursued his remedy and recovered his damages, then separate action may be instituted by the Judiciary. The only restriction taken is that the Judiciary action shall be suspended until the civil action is completed. This restriction, he said, applies to a particular complaint.

The question was raised as to how the Council rules relate to procedures regarding tenure rules. Professor Kaplan, in reply, said the Council did not assume that this was pre-emptive. The bylaws of the Regents on tenure are separately covered. Regarding contracts, he said, the University would have the right to deny and withhold salary. The AAUP also would be concerned here. An independent move to dismiss the faculty could be made.

At the conclusion of the discussions, Chairman Weinberg suggested that Assembly members talk with members of the Council on any suggestions they may have for changes in the proposed rules. He said that SACUA may reserve time for a continuation session in March for further discussion and action on the rules.

THE COMMITTEE OF THE WHOLE RISES AT 4:50 P.M.

GROUP LIFE
INSURANCE
PLAN

Professor Norman, with Professor Gilbert seconding, offered the following resolution, as distributed with the call to the meeting:

Until detailed study is made of a suggested basic revision of the group insurance plan, it is proposed that the University be asked to implement an improved schedule of group life insurance benefits of three times base salary up to age 40, two and one-half times base salary for ages 40 to 49, and the present level of two times base salary thereafter, and that in all other respects the group insurance plan remain in its present form including, if feasible, member contributions at the same amounts as now made for the present schedule of benefits.

Professor Nesbitt, Chairman of the Committee on Economic Status of the Faculty, said the motion is an attempt to get off dead center on improvements in life insurance benefits for younger members. He said the Committee has been working on this for several years while the Office of Staff Benefits has been looking at the whole question of retirement benefits. He noted that a faculty member accumulates substantial retirement funds the longer he is on the faculty. As he gets older, there is a lesser need for insurance benefits; the reverse holds true for younger faculty. The plan would provide substantial protection for younger married employees. The extra cost, he said would approximate \$40,000 per year with no proposed increase in contributions. Professor Nesbitt said there are possibilities of meeting this cost.

In a vote on the resolution, the motion was carried.

NOMINATIONS
AND APPOINT-
MENTS

The following were appointed to committees, as nominated by SACUA:

Classified Research - through August, 1971, Professor William Zimmerman, LS&A (Political Science) replacing Professor George Kish.

Committee on Rights and Responsibilities of Faculty Members - Professor John Reed, Law School (Chairman); Professor Terrance Tice, Residential College (Assistant to Chairman); Dr. John Chavis, Assistant to the Dean, Graduate School; Professor James Hayward, Dentistry; Professor Helen Lloyd, Library Science; Professor Charles Rehmus, Political Science and Industrial Relations; Professor Warren Smith, Economics; Professor A. Feuerwerker, Chairman, Academic Affairs Committee; Professor Isadore Bernstein, Chairman, Research Policies Committee; Professor James A. Gage, Engineering, and representative of Economic Status Committee); Professor Claude Eggertsen, Education, SACUA; Professor C. Merle Crawford, Business Administration, SACUA.

Proper Role - one term, Professor Jane Wilson, Nursing, replacing Professor Charles Davisson.

Advisory Review Committee - Professors Erasmus Hoch, LS&A (Psychology) and James Gindin, LS&A (English), replacing Professors Paul Rasmussen and John Kolars.

Prior to the naming of Professors Hoch and Gindin, Chairman Weinberg pointed out that the names of the proposed SACUA nominees could not be included in time and asked whether the Assembly wanted to postpone action on these appointments.

Professor Price moved--and it was seconded--that the normal notice be waived and the action be taken now.

Professor Galler, speaking against the motion, said one of the proposals his ad hoc committee on nomination procedure will put forward is that we not act in a hurry, that we stay with established procedures. He urged that we put off the matter of the two appointments to the Advisory Review Committee to the next meeting.

Chairman Weinberg, speaking in favor of acting at this meeting, explained that we're coming into a time of the year when the Review Committee business comes up in connection with promotions and tenure.

Professor Price's motion to proceed with the appointments was voted upon and carried, and the appointments were made as above.

The meeting was adjourned at 5:10 p.m.

ADJOURN-
MENT

Ben Yablonky
Secretary