

THE UNIVERSITY OF MICHIGAN

SENATE ASSEMBLY

Minutes of Regular Meeting of 15 February 1988

ATTENDANCE

Present: Barlow, Bartholomew,  
Berent, Alpern, Birdsall,  
Bissell, Blane, Borcherts,  
Borer, Brewer, Burdi, Carnahan,  
Checkoway, Chudacoff, Comninou,  
Craig, Dandekar, Davis, Debler,  
DeCamp, Diana, Dobbins,  
Dressman, Durrance, Kaplan,  
Floyd, Robinson, Brooks, Hinton,  
Hollingsworth, Hudson,  
Inglehart, Kelsey, Ketefian,  
Kirking, Lavoie, Lenaghan,  
Lomax, Lougee, Margolis, Manis,  
McCarus, McClamroch, McLaughlin,  
Meyerhoff, Miller, Moore,  
Mosher, Singer, Olson, Pierce,  
Reed, Rosenthal, Strang,  
Tentler, Turner, Werner,  
Whitehouse, Wiseman, Wroblewski,  
Wulff, Crichton

Absent: Baird, Goldberg, Gray, Haefner,  
Hook, Meyer, Moerman, Moran,  
Muirhead, Oleinick, Olsen,  
Owens, Ross, Sargous, Scodel,  
Seligman, Weiler, Winn

Professor N. Harris McClamroch convened the meeting at  
8:15 p.m.

MINUTES

The minutes of 18 January were approved as written.

MATTERS ARISING

There were no comments from the floor on matters arising from the January Assembly meeting or on the SACUA minutes distributed with the agenda. Professor McClamroch read a letter from Provost Duderstadt pertaining to the resolution on the University travel policy that was adopted at the last Assembly meeting. The Provost states that it may be in the best interests of the University to reconsider the policy, but the State Attorney General's office has been asked to review the travel policy and is currently doing so; it therefore seems prudent to

await the Attorney General's opinion before proceeding with any revision. Professor McLaughlin asked who had requested the review, and Professor Alpern asked whether, in view of this, the policy was actually in effect. Professor McClamroch said it was his understanding that the request for review had come from one of the non-designated agencies, and that the policy had indeed been in effect since 1 January. He knew of no case, however, where a request for reimbursement had not been honored.

#### ANNOUNCEMENTS

Professor McClamroch reminded the Assembly of the annual request for volunteers and nominations for service on faculty governance committees that was sent to all members of the Senate. Although today is the due date, SACUA is happy to accept return of the form at any time.

At the request of Professor Brewer of the Medical School, SACUA has decided to establish an Ad Hoc Committee on Faculty Governance Communications. A memorandum outlining the charge to the committee was distributed on the Assembly members' chairs. Professor McClamroch invited immediate comments and volunteers. Professor Brewer outlined the reasons for his request. He perceived inadequacies in faculty representation, a failure of the Assembly to function as a debating body on substantive issues, and a tendency of some elements in the Administration to regard the Assembly and the faculty in general simply as employees. A two-way link is missing between the faculty and the Assembly/SACUA, and between the latter and the Administration. Professor Brewer said he had found out that we could have a full page of the University Record once a month as a faculty governance newsletter, which would be one way to improve communication. Professor Singer asked for a refresher on how people who volunteer are selected. Professor McClamroch replied that the selection for advisory and ad hoc committees is made by SACUA. There are some instances, such as the Board in Control of Intercollegiate Athletics, where SACUA proposes double the number required and the President makes the final selection.

Dean D'Arms made the observation that he had been thinking of himself as a member of the faculty, but since he could also be seen as part of the Administration he wanted to point out that Professor McClamroch had been a very good spokesperson for the faculty view point at Executive Officer meetings, as had his immediate predecessors.

Professor McClamroch called attention to the SACUA election materials distributed with the agenda, and introduced the nominees: James L. Miller, Jr., Kate Warner, Gayl D. Ness (absent on sabbatical), Marilyn M. Rosenthal, Charles E. Olson, Jr., and Brice Carnahan. The election will take place at the March Assembly meeting.

In response to a reminder by Professor Reed, Professor McClamroch said that volunteers for the new ad hoc committee could contact him, the Senate Office, or any member of SACUA.

Professor McClamroch then introduced Yvonne Wulff, an Assembly member, who has agreed to serve as Senate Secretary. He thanked Mary Crichton for her assistance with the Assembly minutes for the past several months.

"THE FUTURE OF THE UNIVERSITY OF MICHIGAN PRESS." COLIN DAY,  
DIRECTOR. UM PRESS. INTRODUCTION BY DEAN JOHN D'ARMS

Dean D'Arms recalled that he had been involved in the deliberations about the future of the Press from the very beginning of his term at Rackham. He became convinced that a distinguished university must have a distinguished Press, that the quality of our faculty gives us a comparative advantage for achieving this, and that the entire University can benefit from a distinguished University Press through the national and international visibility that it creates. A meeting with Provost Duderstadt about a year ago resulted in a commitment of funds. The search for a new Director was completed when the Regents approved the recommendation of the Faculty Advisory Committee shortly before Christmas. Colin Day, a British citizen and U.S. resident, has most recently served with distinction as Director of the Editorial Department and Economic Editor in the New York office of Cambridge University Press.

Mr. Day began by stressing the vital role of university presses in placing primary emphasis on scholarly quality at a time when the policies of commercial publishing houses are increasingly influenced by accountants, as they are drawn more and more into conglomerates. The University of Michigan Press has not played as strong a role as it should have; Mr. Day promised that under his leadership it would publish exciting controversial books of scholarly quality and would actively market them. He urged faculty members to trust the Press with their manuscripts.

FOLLOW-UP TO JANUARY ASSEMBLY MEETING: "BROADENING THE DEFINITION OF EXCELLENCE--WHAT'S NEXT FOR THE ASSEMBLY?"

Professor McClamroch invited comments on the concerns expressed by Dean Harold Johnson and Professor Lemuel Johnson, now that Assembly members had had time to reflect on them. Professor Debler said that the question of how to get out of a mere 5% Black enrollment had to be part of everything that comes down from the Administration, including the relationship between teaching/research and other activities. Professor Borer said she had found Professor Lemuel Johnson's presentation on the pervasiveness of racism in terms of first principles very striking, and was concerned that his insights were perhaps not sufficiently accessible. Professor McClamroch agreed and said

that he had urged Professor Johnson to write a fuller statement for publication.

Professor Miller noted that the University of Wisconsin-Madison had recently announced impressive plans to combat racism; an item side-by-side with this announcement in the Ann Arbor News indicated that The University of Michigan has been spending about five times as much as Wisconsin. While we should be self-critical, we should also make our positive efforts known. Professor Manis said he also was glad to see our effort publicized. Professor Olson commented that we have to consider the central and the departmental level, but also what we do individually. We have an image of institutional rudeness, and impress visitors as being cold. Professor Robinson, substituting for Professor Gage, remarked that we need to consider how we use the money, and that there is also much we can do with no expenditure of funds, by showing respect for other people. Professor Debler agreed that we do need to act individually, but stressed that the Administration needs to send out signals about what is rewarded. Professor Singer offered anecdotal evidence of one aspect of our problem: he interviewed an intellectually promising Black applicant from Wayne State who was admitted to the graduate program only with great difficulty because of some formal flaws in the application process. Rigidity in such matters and rigid schedules about fellowships contribute to the problem of recruitment.

FLEMING PROPOSAL "DISCRIMINATORY ACTS ON THE PART OF STUDENTS" FOR ASSEMBLY COMMENT AND REACTION. PETER RAILTON, CHAIR, CIVIL LIBERTIES BOARD; MELVIN MANIS, CHAIR, STUDENT RELATIONS COMMITTEE

In introducing the two commentators, Professor McClamroch stressed that this is President Fleming's initial draft, a revision of which will be forthcoming soon.

Professor Railton said the Civil Liberties Board had reviewed the document and was forwarding its recommendations to the President, to SACUA, MSA, and the University Council. There are civil rights and liberties on both sides. Certain groups have been and still are subjected to an extraordinary amount of harassment. The Board's concern focuses on the difference between offensive speech, which is protected, and harassment. Public speech, such as offensive heckling would be protected, but not threatening leaflets or cornering a student in the elevator and making racist remarks (both of these have actually occurred here). The Civil Liberties Board is also concerned that due process be observed, and especially that the burden of proof be on the accuser. Professor Manis said that Professor Railton had attended the last two meetings of the Student Relations Committee and that the two groups were in basic agreement, though his committee felt there should be more emphasis on the effect of comments on those to whom they are addressed. There is also an issue of the consent of the governed: student opinion at present is not very positive. Both groups agree the main issue is how to

separate protected speech from speech that we want to control. Professor Meyer had asked whether it would be regarded as a violation if, in a Political Science lecture, he dealt with the historical mistreatment of the Armenians by the Turks, which might be offensive to Turkish students. The question was then opened for discussion by the Assembly.

Professor Berent noted a lack of consideration of the question of incitement; does one have responsibility for what happens as a result of the presentation of one's views? Professor Railton commented that this is a recognized restriction on the First Amendment, but there is a tendency of the incitement standard to unravel into remoter causes. Any such criterion would have to be formulated such that the result must be immediate and foreseeable. Physical harassment and assault, he noted, are already prohibited by law. Such behavior is actionable. Professor Robinson commented that we have to distinguish between a scholarly presentation from a historical perspective and one that is under this guise but leads to racist conclusions. Professor Railton cautioned that even the advocacy of racist views is protected speech; what is not protected is speech going beyond public expression to harassment. Professor Lenaghan asked how heavy a burden is placed on the accuser: what is not a heavy burden to a lawyer might be very heavy to an individual student. Professor Railton said that the Civil Liberties Board was proposing preponderance of evidence in these cases, not evidence beyond all reasonable doubt, but the presumption should be innocence. Professor Kaplan, substituting for Professor Eggertsen, said that some statement of the relationship of our policies to those of the courts should be included. Can we go beyond the legal restraints? Professor Comninou said President Fleming's guidelines are futile. For physical assault we have the civil and criminal courts. Students complain most about diffuse institutional racism, which would be protected because it is in open statements. Professor Railton replied that there have been serious complaints about the amount and intensity of harassment. Professor Comninou asked whether faculty and staff should not then also be included, to which Professor Railton replied that a similar proposal for these groups might be developed later. Professor Lavoie asked if a majority student could bring a charge if no minority student was actually present. Professor Railton said the statement does not require the presence of a minority student.

Professor McClamroch said in conclusion that Assembly members should feel free to contact President Fleming, and that it might be appropriate to consider the proposal again after the revised version is presented.

"THE FUTURE OF INTERCOLLEGIATE ATHLETICS." DONALD B. CANHAM,  
DIRECTOR OF ATHLETICS

Professor McClamroch, introducing Don Canham for his last visit to the Assembly prior to his approaching retirement.

praised him for his managerial skill in keeping the Athletic Department financially independent, and for his commitment to NCAA rules. Mr. Canham said that the most important task of intercollegiate athletics is restoring public confidence. Referring to a photograph of the stadium from 1906 in which there are no women or children present, he said that television has made the whole family interested in athletics. Financing creates great pressures. Season length is a problem. Some schools play 85 baseball games. Michigan does not allow schedules that require midweek travel unless dictated by the NCAA. Mr. Canham strongly criticized the repeated violations of NCAA and Big Ten rules by some schools. Most are not institution-wide but are the fault of individuals. In such cases there should be firings. Drug testing by the NCAA has been a tremendous deterrent. Last winter no incidence was found among 64 basketball teams tested. The most important step to correct abuses would be elimination of freshman eligibility. Such violations as phony transcripts and payment under the table started after this rule was adopted. The "death penalty" (wiping out one or more football seasons) does not stop violations. A coalition between faculty, presidents and athletic directors is needed to change the situation. In conclusion, Mr. Canham expressed appreciation of the faculty's role in athletics throughout his years in office.

#### ADJOURNMENT

There being no Old Business or New Business, the meeting adjourned at 4:58 p.m.

Respectfully submitted,

Mary C. Crichton  
Senate Secretary, pro tem