

THE UNIVERSITY OF MICHIGAN

SENATE ASSEMBLY

Minutes of Assembly Meeting, February 16, 1976

- ATTENDANCE Present: Professors Bishop, Bornstein, Browder, Brown, Child, Cosand, DeKornfeld, Dernberger, Eisley, Gikas, Guinn, Harris, Hildebrandt, Hoffman, Horsley, Ilie, Jones, Kachaturoff, Kaplan, Kelsey, Kish, G., Kish, L., Leary, Lehmann, Olson, Lindberg, Livermore, Magrill, Nesbitt, Scott, Seger, Sherman, Soucek, Springer, Terwilliger, Van der Voo, Votaw, Weeks, Williams, Hoch, Colburn, Johnson
- Absent: Professors Adams, Baublis, Berki, Christensen, Rucknagel, Cornell, Corpron, Browne, Deskins, Flynn, Smith, Gray, Edwards, Kessler, Lands, Lucchesi, Lytle, Asgar, Mullen, Murphey, Proctor, Tubergen, Krahmalkov, Sibley, Stross, Taren, West, Wilson
- Guests: Dr. Bruce Friedman and Vice-President Frank H. T. Rhodes
- CALL TO ORDER Chairman Johnson called the Assembly to order at 3:22 p.m.
- APPROVAL OF
MINUTES The minutes of the Assembly meeting of January 19, 1976 were approved.
- ANNOUNCEMENTS Chairman Johnson informed the members of the Assembly of the following developments:
- a. The Regents recently adopted the proposed revision of Bylaw 5.13, dealing with the holding of public office, as last described in SACUA minutes of October 13, 1975.
- b. The forum for discussion of research in recombinant DNA was now scheduled for March 3-4.
- PROPOSED
RESOLUTIONS Chairman Johnson reported that SACUA had again reviewed the recommendations of Vice-President Rhodes with respect to the reports of the two committees discussed at the January meeting of the Assembly and was now proposing resolutions for the Assembly's consideration. Following the seconding of Professor Lehman's motion for adoption of the resolution in connection with the report of the Committee to Assess the Rackham School of Graduate Studies, Professor Eisley proposed its amendment by adding a sentence dealing with inter-unit programs. On discussion, the amendment was approved and the motion, as amended, subsequently carried now reading:
- "RESOLVED: That Senate Assembly supports the specific recommendations on the role of the Rackham School of Graduate Studies contained in the draft response of January 7, 1976 by Vice-President Rhodes to the report of the Committee to Assess the Rackham School

of Graduate Studies (Ackley Report). The speedy implementation of these recommendations is urged, especially that concerning revision of the graduate fee structure. With regard to the role of the Rackham School of Graduate Studies in inter-unit programs we encourage the Dean of the Graduate School, in cooperation with the Vice-President for Academic Affairs, to continue to develop more effective ways to organize, administer, and support inter-unit academic activities.

"This resolution does not address the subject of financial aid for graduate students."

In the case of the resolution proposed by SACUA in connection with Vice-President Rhodes' recommendations on the report of the Committee on Environmental Resources, Planning and Design, Professor Lehmann's motion for adoption was seconded and carried unanimously, the resolution reading as follows:

"RESOLVED: That Senate Assembly supports the recommendations in the November 17, 1975 draft response by Vice-President Rhodes to the report of the Committee on Environmental Resources, Planning and Design (Norman Report)."

NOMINATIONS
AND APPOINT-
MENTS

On recommendation of SACUA the Assembly voted unanimously to appoint Professor Peter A. Smith to the Michigan Union Board of Directors, replacing Professor Searson, with his term running to June 30, 1977.

FREEDOM OF
SPEECH

As Chairman Johnson noted in introducing the subject, at its meeting of April 21, 1975 the Assembly had discussed concern prevalent over the disruption of public meetings, following which the matter had been referred to the Civil Liberties Board for further study. As Chairman of the Board, Professor Friedman had now been invited to discuss its report and to hear and respond to the reactions of the Assembly. It was hoped that on the basis of the present discussion a final draft could then be proposed for formal adoption at the March meeting of the Assembly.

In his prefatory remarks Professor Friedman took pains to point out that the Board saw its report not as laying the whole matter to rest but rather as a first step in a continuing dialogue on a subject of central concern to the University community, especially since his Board has sensed a gradual erosion of freedom of speech at the University in recent years. The well publicized disruption of the Rackham ceremony at which the President of Israel was to speak and be honored in March of last year served as a prime example, and while the incident was handled with discretion, it had pointed up the need for a more formal statement of policy. In any case, at its meeting at the time, the Assembly had adopted a resolution of the Civil Liberties Board on the subject, together with an amendment proposed by Professor Ilie, as well as a motion by Professor Livermore that a general report on the subject be prepared, either by an ad hoc committee or by the Civil Liberties Board. The Board's statement on freedom of speech was now before the Assembly for discussion.

In calling attention to some central features of the document, Professor Friedman characterized item 6 as the heart of the statement, stressing as it did the principle that ". . . protestors must not in any way interfere with the communication of the speaker with the audience." At the same time, he noted, the Board had been careful to preserve the right of protest. Thus, item 8 of the document encouraged speakers to exchange ideas with protestors in the audience, though recognizing that a speaker cannot be required to do so. Item 11, too, deserved notice, calling as it did for ". . . severe University disciplinary action" where the right of freedom of speech is violated. Without detailing further sections of the document specifically, Professor Friedman expressed his willingness to comment on such points as members of the Assembly might wish to raise.

What concerned Professor Hildebrandt, who was in sympathy with the document, was that feature of item 9 which, in the event that protestors do not cease disruptive activities when put on notice, would urge that ". . . steps should immediately be taken to physically remove them . . ." Physical intervention has its price, he cautioned, wondering whether one should not consider such other options as adjourning the meeting or calling a recess. The latter steps, Professor Friedman feared, might play directly into the hands of the protestors, a sentiment in which Professor Ilie concurred, noting that protestors would quickly learn to expect similar capitulation in the future. It is well to distinguish among protestors' purposes, Professor Friedman suggested. It is one thing when they have something to contribute to the discussion; it is quite another when their aim is frankly disruptive. After all is said and done, however, Professor Springer lamented, the document under discussion, however well intentioned, could itself do little about the problem. In a sense it might actually call attention to our helplessness, he feared; hence one could wonder whether it might not be better to promulgate no statement at all under the circumstances.

The situation did not look as gloomy to Professor Friedman, who pointed out that even in the aforementioned incident in Rackham, where physical removal ultimately became necessary, the meeting was nevertheless able to run its course. Professors Cosand and Weeks, too, were of the opinion that, while physical intervention remains the ultimate recourse, the Civil Liberties Board statement actually contains a number of options and reserves a good deal of discretion to a meeting's chairperson. Recognizing the latter point, Professor Jones nevertheless questioned, among other things, whether it was wise to allow protestors the kind of latitude granted them by item 9, namely, that they would have to interfere "unduly" (rather than just interfere) and "for an extended length of time." Commenting on the same point, Professor Leary pointed to an apparent contradiction between item 6, which states that protestors must not interfere "in any way" and item 9, which cautions only that they must not interfere "unduly." On the other hand, Professor Livermore saw merit in protecting rights reasonably exercised, favoring some latitude for protestors, lest the chairpersons of meetings prove too restrictive in their rulings. While Professor Olson felt items 8 and 9 were such as to guard against overzealous behavior on the part of a chairperson, Professor Weeks reaffirmed the need to allow those listening to a speaker a variety of reasonable forms in which to express their disagreement with points being made.

In the course of further discussion Professors Kish, Lehmann, and Votaw raised additional points in connection with such matters, respectively, as the appropriateness of the statement's title, the kinds of controls involved in the issuance of invitations to speak and the use of facilities, and the matter of sanctions and enforcement. The several points and the sense of the foregoing discussion would be communicated by Professor Friedman to the Civil Liberties Board, Chairman Johnson indicated, expressing the hope that the statement, redrafted perhaps with the assistance of Dr. Nordby, could be presented by the Board to the Assembly for formal action at its March meeting.

On behalf of the Assembly, Chairman Johnson expressed appreciation for the dedication with which Professor Friedman and the members of his Board had devoted themselves to this carefully drawn statement on a subject of vital interest to the University community.

BUDGET
UPDATE

In introducing Vice-President Rhodes, who had been invited to speak on budgetary matters, Chairman Johnson expressed appreciation on behalf of the Assembly for the opportunity to be kept current on the University's financial situation but also for the light which such briefings had invariably shed on the process by which decisions are reached. Mr. Rhodes, in turn, welcomed such continuing interchange with the members of the Assembly.

By way of preface, Vice-President Rhodes was pleased to emphasize that, whatever the present circumstances, The University of Michigan continues to be one of a handful of institutions that serve as models for all that is best in higher education. Despite current financial adversity, it remains a robust and effective organization. This is not to blink the fact that there are problems to be faced, both short-term and long-term. As he pointed out, higher education is not continuing to enjoy the growth rate to which it had become accustomed, nor can it count on the degree of public support and the level of priority it attained during the '60's. The golden era seems over. One must learn to cope with stable enrollments and new financial realities. Some hard choices face us.

There are no easy solutions, Vice-President Rhodes reminded his audience, and it would be a mistake to overestimate what the central administration can do in the circumstances. Indeed, how we fare depends to a large extent on day-to-day decisions taken at the unit level. What the administration can and will continue to do is to provide a climate and an environment in which the academic enterprise can not only survive but flourish and prosper. This requires that we recruit and retain the finest faculty available, compensating their contributions appropriately and providing them with the kind of supportive services they merit. If we are to continue to flourish, not just survive, we cannot afford to interpret the academic environment too narrowly, Mr. Rhodes asserted. Research, travel, library resources, cultural programs, and all we have come to associate with a vibrant intellectual atmosphere must be supported. The University as we know it will not flourish if short-term expedients replace long-term planning, if we become frozen into earlier patterns rather than chart new courses. In all of this, he emphasized, there must be extensive involvement by the faculty. Thus, for one thing, every effort is being made to open up the budget process on which so much depends.

By way of putting the financial picture in perspective, Vice-President Rhodes recalled for the Assembly some pertinent figures that had appeared in the University Record. Comparing general fund budget-expenditures by program, the office of Vice-President Pierpont had calculated increases of the following orders between 1969-70 and 1975-76: instruction and departmental research, 52.4%; organized research, 19.1%; student aid, 345.5%; general administration, 41.5%; business operations, 44.8%; plant operations, 31.2%. General fund expenditures for plant improvement had declined 49.5%. In the face of these financial realities, Mr. Rhodes pointed out, deliberate efforts had nonetheless been made to spare the heart of the University--its academic programs. Citing some comparative figures, he noted the extent to which these programs had grown over time at the expense of other aspects of the University's operation and how in the short run care had been taken to shelter them wherever possible.

One may take at least some comfort from certain developments, Vice-President Rhodes felt. Thus, while the State tends to lag behind national trends, the estimates of Professor Hymans and Shapiro contain some encouraging predictions concerning the economy of the State. Too, while the current year has again brought enforced budgetary reductions, it appears at this point that the University will have achieved the necessary savings. True, the solution has not been a palatable one. But in view of the budget cuts experienced, the position freeze to which recourse had to be taken was in the last analysis less harsh than such other options as layoffs. It has even been possible to lift the freeze in a limited number of critical cases and, all in all, the University should be ending the current fiscal year in balance.

Next year's situation is far from bright, however, Mr. Rhodes regretted to say, with no increase in state appropriations expected. Meanwhile the University will face some specific commitments over which it has no control (utility costs, health insurance, maintenance and operation, for example), such expenses being expected to total at least \$2.5 million. The latter figure, combined with continuing erosion in federal funding, poses significant problems as one reviews the four sources of income available. State appropriations are not expected to increase; indirect cost reimbursement constitutes soft money; internal reallocation, while possible, depends on finding fat in a budget that has little, if any (if ever it did); and a student fee increase, as always, has its advantages and disadvantages. Citing some illustrative figures, Vice-President Rhodes pointed out that a 1% compensation program costs \$1.45 million, including fringe benefits; a 1% fee increase produces \$520,000.

Given the overall fiscal situation, one needs both short-term and long-term strategies, Vice-President Rhodes declared. With respect to the former, the Budget Priorities Committee continues to play a central role. By March 22, 25 budget conferences will have been held, and in light of the committee's findings and recommendations it should prove possible to engage in the most effective budget preparation under the circumstances. Long-term strategy is even more necessary, however, and it is to this end that the Program Evaluation Committee has directed its efforts. Significant changes in graduate applications and graduate enrollment, for example, have serious implications for the future. Such trends, among others, must

be foreseen wherever possible and taken into account. The next several years will therefore be difficult ones, Mr. Rhodes warned. The long-term picture is, however, brighter. In any case, he felt, retaining the strength, diversity, and overall excellence of the University will require the kind of cooperative effort and mutual understanding of which the members of the University community have shown themselves to be so capable.

In addition to responding to several factual questions in the ensuing discussion, Vice-President Rhodes agreed with Professor Kaplan, who pointed out that, while gradual improvement in the State economy may be in the offing, a concomitant increase in demands upon the State can be expected, so that the University share will not necessarily grow. It is, however, not the case that the State is unwilling to help, Mr. Rhodes observed; it just does not have the capacity to do so. Hence, we will face the prospect of carrying on with fewer resources. Questioned concerning faculty sentiment at this point, he commented on several aspects of the feedback received. On certain issues opinions vary, he reported. Some insist, for example, that layoffs be avoided at any price, others that salaries be increased at any cost. On the other hand, he has found overwhelming consensus on the notion that reallocation of resources should be done selectively rather than in across-the-board fashion.

On behalf of the Assembly, Chairman Johnson thanked Vice-President Rhodes for his informative and straightforward account, expressing appreciation for the willingness with which Mr. Rhodes has continued to make himself available to the faculty and for his continuing desire to remain fully informed of faculty sentiment in these trying times.

ADJOURNMENT

There being no further business, the meeting was adjourned at 4:57 p.m.

Erasmus L. Hoch
Secretary

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