

THE UNIVERSITY OF MICHIGAN

SENATE ASSEMBLY

Minutes of the Regular Assembly Meeting, February 18, 1974

ATTENDANCE Present: Allen, Anton, Berki, Bishop, Brockway, Brown, Buning, Caldwell, Cartwright, Cassidy, Cohen, Cooperrider, Danielson, Darvas, Dernberger, Farrand, Adams, Gikas, Heller, Berkove, Higgins, Hoffman, Ilie, Jameson, Bernard, Kaplan, Kell, Kelsey, Kish, Iglehart, Lehmann, Lloyd, Loomis, Magrill, Kline, Mohler, Nystuen, Ostrand, Paul, Rowe, Sana, Sibley, Springer, Falls, Vander, Williams, Wilson, Zweifler, Kincaid, Hildebrandt, Goodman

Absent: Colburn, Ehrenkreutz, Evaldson, Floyd, Harrison, Hymans, Creeth, Kerr, Fader, Krachenberg, Lagler, Lands, Oberman, Flinn, Schmickel, Seligson, Taylor, Terwilliger, Vaughn

Guests: Professor Frizell Vaughan, Chairman, SARC
Professor Wilbert McKeachie

CALL TO ORDER Chairman Goodman called the meeting to order at 3:21 p.m. in the Rackham Amphitheatre.

MINUTES APPROVED The minutes of the January 21 meeting were approved as distributed.

ANNOUNCEMENTS Chairman Goodman drew attention to the election of a nominating committee for the election of SACUA replacements, as described in the notice sent with the call to the meeting. He said that he would also ask the nominating committee to nominate a new Senate secretary, if there were no objections to this proceeding.

Chairman Goodman then added that since Professor McKeachie, who was to deliver the CESF report, had to leave early to attend another meeting, he would like to move that agenda item ahead of Item 4, the resolution concerning SARC. In addition, since it was essential that the nominations and appointments should be got out of the way while a quorum was present, he suggested that this should be taken care of immediately after ballots had been cast for members of the nominating committee. There were no objections to this rearrangement of the agenda. He added, in response to a request by Professor Loomis, that the Assembly might want to spend some time discussing the possible teaching fellows' strike and related issues under new business.

Chairman Goodman then reminded the Assembly about the procedure that had been agreed to for selecting the SACUA nominating committee; four out-going Assembly members and two out-going SACUA members were to be selected, and Assembly members should vote for at most those numbers of persons in each category.

ELECTION OF SACUA NOMINATING COMMITTEE Chairman Goodman asked Mrs. Downs and Professor Hildebrandt to serve as tellers in the election of the nominating committee. They distributed and collected the ballots and retired to count them. [After the ballots had been counted, Chairman Goodman announced that Professors Kerr and Lloyd from SACUA, and Professors Cooperrider, Ehrenkreutz, Kincaid, and Zweifler from the Assembly at large had been elected.]

NOMINATIONS
AND APPOINT-
MENTS

In accordance with the changed agenda, the Assembly next considered the following nominations from SACUA to committee vacancies:

Academic Affairs Committee - present to 9/1/74
Dennis R. Papazian, Prof. of History, UM-Dearborn

SARC - present to September 1974 - Kamal Asgar,
Professor of Dentistry

There were no additional nominees for either position, and Professors Papazian and Asgar were unanimously approved.

REPORT
FROM CESF:
PROFESSOR
McKEACHIE

Chairman Goodman now invited Professor Wilbert McKeachie to give the CESF report.

Professor McKeachie reminded the Assembly that CESF had asked for a 9.7% increase in faculty salaries over and above inflation (later estimated as 8.8%) for the coming academic year. The Regents transmitted to Lansing a request for a salary increase of 10.3% plus an allowance for any inflation over 4.7%. The Governor's recommendations had now been presented, and called for a 6% increase; but they included some mandatory increases in fringe benefits, leaving only 4.7% for actual salary increases. This was a substantial discrepancy. Professor McKeachie said that CESF was standing firmly behind the request for a larger amount, maintaining that more must be done for the faculty. In accordance with a clear statement by the Assembly, they did not feel it incumbent upon themselves to suggest where the money should come from. They were aware that other groups were also pressing for increases in pay, and students had made their feelings known about tuition increases. CESF did not want to say "you must take so much away from X to give to faculty". The outlook in this regard could only be called dismal.

Professor McKeachie said that the situation with regard to fringe benefits was more encouraging. CESF had made a survey of sister institutions. They were exploring the possibilities of a flexible plan, under which each faculty member would receive certain basic fringe benefits, and would have considerable choice in allocating the rest. Some might want to put more of their benefits into retirement annuities, others might want more insurance, and so forth.

In regard to retirement, Professor McKeachie said that CESF was greatly concerned about the position of some faculty members who had retired a number of years ago, in some cases before social security was available, and had retirement incomes corresponding to the much smaller faculty salaries prevailing during their active careers. Some of them were in dire straits. CESF hoped that something could be done to reduce their privations. The State Civil Service was preparing to do something for civil service retirees in a like situation, which would set a helpful precedent.

Professor McKeachie then turned to early retirement, which was currently the main issue between CESF and the administration. He agreed on the desirability of pre-retirement counselling. A questionnaire on this topic had just been sent out to all faculty members over 50.

They were hoping for an agreement on a sliding scale of paid-up life insurance and other benefits for anyone retiring past the age of 55. There was agreement that retirement furloughs should be available starting at age 62, with a split furlough over two or more years permitted. CESF and the administration disagreed about incentives for early retirement. It was possible that retirement furloughs would be permitted at a reduced level even if a sabbatical had been taken within the previous five years.

Professor McKeachie said that there was substantial disagreement about the mandatory retirement age. CESF felt that older faculty members should be seen as a resource rather than a liability. Options should be provided, since some faculty members would want to retire early for various reasons. But the judgment should be made by each faculty member for himself. Forcing faculty members to retire early was not good educational policy. The administration disagreed, and Professor McKeachie thought that there was some misunderstanding on the part of the administration. Over half of the faculty might indeed want to retire before age 70. The administration was taking this to mean that they wanted an earlier mandatory retirement age. Professor McKeachie urged anyone in the audience who had an opinion on this point to let CESF know.

MOTION
PASSED

Professor Loomis said that some members of CESF had thought it would be helpful if the Assembly went on record on this point. After a brief discussion about the most appropriate wording, he finally moved (with several seconds) that the Assembly should strongly support the retention of age 70 as the mandatory retirement age. The motion was passed by a vote of 40 in favor to 5 against.

Professor Kaplan said that the AAUP had been watching what was going on in Lansing. The House was talking about a higher raise than that recommended by the Governor. The Association of Michigan Collegiate Faculties (on which Professors Arthos and Kaplan were the University's representatives) was in touch with State Representative Angell on retirement issues. They were trying first to clear up a weird legal provision that limited fringe benefit contributions by state colleges in such a way that other fringe benefits were necessarily reduced as Social Security went up. Action on older retirees, mentioned earlier, was also a possibility.

Professor Springer noted that the Governor's proposals fell short of University requests by a factor of 3. He asked what was to be done about it.

Professor Cohen pointed out that a 6% raise meant a significant reduction in pay when measured in real dollars. It seemed reasonable to think that a unionized faculty would refuse to accept such a reduction. He felt that the implications of this should be pondered.

Chairman Goodman reminded the Assembly that they had advised CESF the previous year to retain its advocacy position. They should recognize that the Budget Priorities Committee also had a role to play, and was serving as something of a buffer, freeing CESF to concern itself more narrowly with the interests of the faculty.

Professor McKeachie said that the administration's strategy had been to ask each group "Whom are you going to take money away from?" President Fleming had said as much to the teaching fellows. The prospect was that a rise in salaries would be accompanied by loss of positions.

Chairman Goodman said that it was important to reaffirm the position of the Budget Priorities Committee, which was charged with making recommendations in this area.

Professor Cooperrider said that the hard fact was that the pie was only so big except for raising student fees. The Budget Priorities Committee wasn't playing games.

Professor Cassidy asked whether Budget Priorities should report to the Assembly what programs they thought should be phased out. Chairman Goodman responded that all three of the new committees should report. Professor Loomis reminded the Assembly that Professors Cooperrider and Dunn were members of Budget Priorities.

Professor Heller asked if there had been serious exploration of 55 as a possible retirement age. Professor McKeachie said that that was mentioned just in reference to paid-up life and health insurance. Vice-President Smith had some reservations about health insurance, thinking that it might encourage raiding by other institutions. The Committee thought that they could meet his objections.

RESOLUTION ON SARC The next item on the agenda was the resolution concerning the Senate Advisory Review Committee. Chairman Goodman reminded the Assembly that they had been considering an amendment offered by Professor Hymans when further consideration was postponed.

MOTION BY PROFESSOR COOPERRIDER Professor Cooperrider then moved to substitute for the motion on the floor the following language to be added to the end of Part II, paragraph 3 of the SARC Constitution:

" . . . except that prior consideration and disposition by the unit faculty of the substance of a complaint shall not foreclose the committee from considering whether fair and appropriate procedures were followed in accomplishing that disposition."

His motion to substitute was seconded by Professor Paul. Professor Cooperrider said that the motion had the same intent as Professor Hymans' one, but he thought the language was clearer. In answer to a question by Professor Anton, he said that he would retain the word "specifically" and the other wording of Section I, paragraph 2 as it stood originally.

There was considerable argument to the effect that Sections I and III would contradict each other if the motion passed. Professors Cohen, Mohler, and Fritz Vaughan (who was attending the meeting as chairman of SARC) took somewhat this position, while Professor Cooperrider maintained that the wording would be unambiguous. Professor Zweifler said that the central issue was the extent to which cases that belonged in SARC and were not getting there under the current language would get to SARC if the changes were made. Professor Vaughan responded that either of the proposed changes would accomplish this. All agreed that SARC should concern itself

with procedures rather than the substance of grievances, although Professor Cohen said that the line was sometimes a fine one.

MOTION TO
SUBSTITUTE
PASSED

A motion to substitute Professor Cooperrider's amendment passed with 26 votes in favor to 23 opposed.

MOTION
PASSED

After some brief further discussion, in the course of which Professor Hoffman remarked that a change of the sort indicated had been endorsed unanimously at a Psychology Department meeting, the resolution (now replaced by Professor Cooperrider's proposal) was passed unanimously.

MOTION
BY PROF.
LEHMANN

Professor Lehmann thereupon moved to strike from the SARC constitution the latter part of the second paragraph of Section I, starting with the words "unless the subject matter of the complaint . . .". He said that he would like to leave the faculty member the option of having the case aired before SARC. (Professor Higgins seconded the motion.)

Professors Cooperrider and Kell opposed the motion, saying that it would be inconsistent with what had just been passed, and would go much further than the original resolution in removing jurisdiction from the faculty of a unit.

Professor Kaplan said that he favored the motion, because it would put all schools on the same basis; only small schools were in a position to take advantage of the present provision, since they were the only ones who could hold a meeting of the entire faculty to consider an individual grievance.

Professor Adams pointed out that the last argument depended on interpreting a unit as an entire school or college, which was one of the proposals in the original resolution. If a department could be treated as a unit, the picture would be quite different. Professor Kell responded that schools that had full faculty review should not be preempted, but Professor Adams said that was not the intent of his remark.

Professor Lehmann said that striking out the passage in question would not preclude full faculty discussion of a case.

Professor Zweifler said that he thought that SARC's wishes were simply to have more cases brought to them. Professor Bordin replied that the intent was rather to create access to SARC when faculty review processes were unfair.

Professor Bernard asked why it was important to retain the existing language in Section I if SARC's function was only to carry out procedural reviews. Chairman Goodman replied that the original debate on setting up SARC had involved a delicate balance on the question of centralization. Professor Darvas said that he saw some contradiction here, probably in the original document. Chairman Goodman said that the question was when a review by a whole faculty was not a review by a whole faculty. An apparent decision by a whole faculty could in fact be an endorsement without real discussion of a decision arrived at by one or two administrators.

Professor Cooperrider asked whether the word "not" in paragraph 3 of Section II (in the phrase "has not received the consideration within the unit prescribed by Part I") should be deleted. He suggested that it might have been a typographical error.

Dr. Falls, with a second by Professor Kaplan, moved to table the motion under discussion, and refer it back to SARC for clarification.

A vote was taken and the motion failed.

Professor Berki, with a second by Dr. Bishop, then moved simply to refer the question back to SARC.

Professor Cohen opposed the motion, saying that he thought the Assembly was in a position to take action.

The motion failed by a vote of 15 in favor to 29 against.

MOTION TO
SUBSTITUTE:
BERKI

There was some further discussion of Professor Lehmann's motion by Professors Cartwright, Vaughan, Zweifler, Cooperrider, Farrand, Lehmann, and the Chairman, which reflected disagreement on what effect the motion would have if passed. Professor Berki then moved to substitute for Professor Lehmann's motion the following:

Add to the second sentence of paragraph 2 in Section I, after the words, "specifically disposed of", the words "by appropriate and fair procedures."

Professor Kell seconded the motion.

Professor Cohen raised a point of order, saying that he questioned whether Professor Berki's motion, which called for an addition to the original language, was a proper substitute for Professor Lehmann's, which called for a deletion. Chairman Goodman ruled that the motion to substitute was in order, and a vote was taken.

MOTION
PASSED

The motion to substitute passed by a large majority, as did the vote on the newly substituted motion.

MOTION
MADE AND
PASSED

Professor Cooperrider then moved to delete the word "not" in paragraph 3 of Section II, which he had drawn attention to shortly before. The motion was seconded by several members, and passed unanimously.

DISCUSSION
ON DEFINITION OF
UNIT

Chairman Goodman now moved the discussion on to the other part of the original resolution, which called for defining a unit as a school or college.

Professor Adams said that if the objective was to make the procedures more uniform, which Professor Vaughan confirmed, it would be better to make the department rather than the school the unit.

Chairman Goodman asked what the present procedure was in the Literary College. Professor Bordin replied that LS&A gave each person a choice of where to appeal to. An appeal could go from a department to SARC or to the LS&A Executive Committee.

Professor Darvas said that he believed a great majority of cases originated as departmental decisions. He thought it would be wise if a complaint could go directly to SARC from a department.

Professor Cooperrider felt that the term "unit" should refer to the normal point of decision in each case. Professor Berki said that he could see difficulties with departments as units in the case of very small departments.

Professor Bordin pointed out that in talking about units, it was necessary to bear in mind the designation of unit representatives as well as the matter of consideration of a case by a unit. He suggested that these considerations worked in opposite directions. Chairman Goodman asked whether the question should be referred back to SARC, and Professor Bordin said that he would be glad to have it so referred.

QUESTION
RETURNED
TO SARC

Professor Danielson moved that the question of definition of a unit should be returned to SARC. There were several seconds, and the motion passed unanimously.

TEACHING
FELLOWS

There was no old business, and Professor Kaplan asked whether the teaching fellow situation could be discussed under the heading of new business, as suggested at the outset of the meeting.

Chairman Goodman said that in 1970 there had been an Assembly debate in the context of the BAM strike. He said that he would call a special meeting if a strike was voted.

Professor Kaplan said that the AAUP had been in close touch with the situation. He quoted officers of the teaching fellows organization as saying that they would prefer to have a normal election process under MERC, but were afraid of legal blocks being thrown up by the Administration. A question that could be raised was whether they were students or employees, and there were quite a few technical points that could be appealed. Something like this had occurred at Eastern, where a faculty election had been delayed for a whole year.

Professor Cohen said that it would be helpful to identify what issues faculty might have to face, for example, whether they should cover sections normally taught by teaching fellows.

Chairman Goodman said that these questions could be faced if a strike was actually called.

ADJOURN-
MENT

The Assembly adjourned at 5:25 p.m.

Wilfred M. Kincaid
Secretary