

THE UNIVERSITY OF MICHIGAN

SENATE ASSEMBLY

Minutes of the Regular Assembly Meeting, February 19, 1973

ATTENDANCE: Present: Rutledge, Allen, Anton, Asgar, Birch, Bowditch, Brockway, Caldwell, Cartwright, Cohen, Cooperrider, Cornish, Crawford, Danielson, DeKornfeld, Ehrenkreutz, Evaldson, Farrand, Floyd, Franken, Goodman, Johnson, Krachenberg, Heller, Higgins, Froseth, Hymans, Creeth, Jameson, Jensen, Lands, Larkin, Lloyd, Loomis, Marshall, Nelson, Nystuen, Oberman, Ostrand, Lagler, Sana, Sawyer, Sears, Gikas, Vaughn, Colburn, Goldstein, Wilkes, Williams, Mohler, Hildebrandt, Kincaid, Hinerman

Absent: Buning, Cassidy, Darvas, Fader, Hertzler, Kerr, Weber, Magee, Meyer, Overseth, Ice, Rowe, Ryder, Deskins, Vander, Zweifler

Guests: Professors Jonathan Bulkley, Robert Burt, Gale Jensen, Raymond Kahn, Wilfred Kaplan, James Pilcher, Nellie Varner, Gerhard Weinberg; and Dean Theodore St. Antoine

CALL TO ORDER

Chairman Hinerman called the meeting to order at 3:23 p.m. in the Rackham Amphitheater.

APPROVAL OF MINUTES

The minutes of the January Assembly meeting were approved as distributed.

ANNOUNCEMENTS

Chairman Hinerman pointed out that the agenda was a long one, and he expressed hope that the meeting could proceed expeditiously. He made the following announcements:

The next semi-annual Senate meeting would be held on April 9 at 4:00 p.m. in Auditorium III of the Modern Languages Building. The new location was to be noted.

Two public hearings were to be conducted by ACRICS concerning a site for new athletic facilities. The first of these was to be held in the Anderson room, Michigan Union, from 7:30 to 9:30 p.m. on Tuesday, February 20. The second was to be held at the same time the following evening in the North Campus Commons. Announcements of both meetings were to be found in the University Record.

A pamphlet on PBES (The Program Budget Evaluation System) had been distributed. Several faculty members (Dr. Hinerman, Professors Lloyd, Goodman, and Loomis [SACUA], Professors Ejner Jensen and Brymer Williams [Proper Role], Professor Wilfred Kaplan [Long-Range Planning], and Dr. Lawrence Fincher [Administration]) had recently gone to Lansing to discuss the system with Mr. Sturtz and Mr. Jager of the Governor's office. These developments were potentially of very great importance for the future of the University, and it was important for faculty members to keep track of what was going on.

PROPOSED CHANGE IN ASSEMBLY RULES

Chairman Hinerman then asked that Item 8 on the agenda, the proposed change in the Assembly rules, should be taken up next, since Professor Allen, who was going to move adoption of the new rules, had to leave early. The rules concerned the filling of vacancies in the Assembly.

The present rules were somewhat chaotic and had led to difficulties.

Professor Allen moved that Article II, Section III of the Rules of the Senate Assembly should be revised to read as follows:

#### Election of Members and Alternates

"The members of the Assembly apportioned to each school or college shall be elected by the members of the Senate in such school or college within time limits determined by the Senate Advisory Committee on University Affairs. A permanent vacancy shall be filled by the candidate receiving the next highest vote from the slate of candidates considered by the members of the Senate in such school or college.

"The members of the Senate in any school or college shall elect one or more alternates to serve at any meeting or meetings of the Assembly in place of any member of that school or college who is unable to attend. Any alternate attending a meeting of the Assembly shall advise the Secretary of his presence prior to the meeting and identify the member whose place he is taking. Such alternate may vote and participate in the meeting to the same extent as the member for whom he is acting."

The motion was seconded, and discussion began.

Professor Cooperrider asked why each unit could not retain its own method for filling vacancies, remarking that his unit did not have contested elections. Professor Anton said that the rules would impose an obligation to hold elections; Professor Crawford added that holding an election did not imply the presence of more than one candidate.

Professor Wilkes, referring to the provisions for filling a permanent vacancy by the candidate receiving the next highest vote, asked what election was referred to. Professor Allen replied that it was the election in which the person he was replacing was elected.

Professor Colburn asked what the drawbacks were of the present system. Professor Allen and Chairman Hinerman replied that the replacements were sometimes appointed by a dean, with no election.

Professor Lloyd said that some of the remarks made indicated that the present rules calling for the election of Assembly members were not always being followed.

Professor Hymans asked why the same procedure should not be used for filling both temporary and permanent vacancies. Professor Allen replied that not enough alternates might be made available in this way. Professor Lands suggested that a unit could avoid trouble by electing more people at the original election. Professor Crawford said that in some large units, there might be a desire to preserve the representation of various sub-units.

Professor Nelson said that the preceding discussion suggested that the wording of the proposed revision required tightening up.

PROPOSAL  
RETURNED TO  
COMMITTEE

Chairman Hinerman agreed, and responded by asking the Assembly's permission to send the proposal back to the Bylaws Committee for further consideration; there were no objections.

PROPOSED  
RULES OF  
THE  
UNIVERSITY  
COMMUNITY

The next item on the agenda was the proposed Rules of the University Community, which had been submitted by the University Council. Chairman Hinerman said that in view of the importance of the occasion he had invited a number of the chief participants in developing the rules to be present. He asked Professor Gerhard Weinberg, who had been chairman of SACUA when the first set of proposed rules had come before the Assembly, to furnish some historical background.

ADDRESS BY  
PROFESSOR  
WEINBERG

Professor Weinberg began his account by referring to the formulation by the Board of Regents of the Interim Rules and Disciplinary Procedures on April 17, 1970. In their statement, the Regents said that the Interim Rules "may be superseded or supplemented by our adoption of rules drafted by the University Council and our establishment of a more permanent judiciary." Following this mandate, the University Council had developed a set of rules and presented them on February 2, 1971. Professor Weinberg paid tribute to the enormous amount of work done by the faculty members and students on the Council, of which Professor (now Dean) St. Antoine was at that time the chairman, and Professors Kaplan and Kahn were members.

The proposed rules had been taken up by the Assembly in two very long sessions. They were returned to the University Council with some amendments and supplementary proposals on March 18. Student Government Council and the University administration also suggested changes. The University Council had considered all these suggestions at length and had developed a new set of proposals, which had been approved by SGC and were now before the Assembly.

Professor Weinberg went on to say that speaking personally he was gratified to see that the Assembly's requests had been substantially adopted. He could also see some reflection of the administration's requests. On the other hand, he could discern very little in the way of changes emanating from SGC; nevertheless, SGC had accepted the rules as rewritten. Accordingly, the Assembly really faced the choice of voting the document up or down at this point, since there was very little likelihood that it could be further amended and remain acceptable to the other interested parties.

REMARKS BY  
PROFESSOR  
BURT

In answer to a question by Professor Danielson about the SGC requests that had not been reflected in the revised proposals, Professor Weinberg invited Professor Robert Burt, the current chairman of the University Council, to take the floor and respond. Professor Burt said that the most salient points concerned the power to prevent the occupation of buildings, and the listing of expulsion as a possible penalty. Both of these features were left in the rules despite SGC's objections, and he was pleased that they had still accepted the document.

Professor Marshall asked whether any non-whites had been involved in drafting the rules, saying that she had not been aware that this was going on. Professor Burt replied that the Council was a small body, consisting of three faculty, three students, and three administrators, and it was not possible for all groups to be represented. However, there had been black students on the Council, and there was one on it when the proposed rules were accepted by the Council. Mr. Louis Lessem, a student member of the Council, added at this point that Mr. Charles Kidd had been a member of the drafting committee.

Professor Cohen said that he was very reluctant to raise questions of substance at this stage, and he was not going to propose any amendments

to the rules. He did, however, want to ask some questions. These concerned particularly Sections 4.1 and 4.2, which specified that no person could bring proceedings before both the University Judiciary and a civil court against any other person for a given set of actions. While he understood the desire to avoid double jeopardy, he felt that in some instances the plaintiff's rights might be unduly limited. For example, in a case where interference with access took the form of a physical assault, failure to establish the assault before one body might make it impossible to pursue easily verified charge of interference before another. Professor Cohen asked whether this issue had been discussed by the Assembly, how much consideration had been given to it by the Council, whether it might be taken up in the future, and what feelings there were about the substance of the issue.

Professor Weinberg replied that the Assembly had discussed the issue at great length, as had the Council. One relevant consideration was that while a single person could initiate only one set of proceedings, separate plaintiffs could initiate separate proceedings. Accordingly, the wording of the sections referred to had been left standing. Finally, the Assembly had the right to take the initiative in making further proposals to the Council later on.

Professor Burt added that he appreciated the point and had been bothered by it himself. After a prolonged discussion, he had finally been persuaded that the wording should remain as it was. He pointed out that there was a provision for exceptions if the application of this section led to a patent injustice.

REMARKS BY  
EAN  
ST. ANTOINE

Dean St. Antoine came forward and spoke to the same point. He said that the whole issue had been thoroughly considered by the Council. The students had been concerned about the possibility of harassment of an individual, and had insisted that some provision of this type was needed. A practical compromise had been struck by concentrating upon people rather than upon charges. Every affected individual, plus the dean of the school or college, plus the head of the unit's student government, have the right to file charges, either with the University judiciary or with the civil courts. In an actual case of any seriousness, it was unlikely that only one individual would be affected, and separate charges could be filed by separate persons. "Double jeopardy" was the one principal issue on which the Assembly had been satisfied during the consideration of the first draft; that is why there were no substantial changes in the revised Rules.

Professor Cohen said at this point that his anxieties had been much allayed by this assurance that the issue had received careful consideration. Professor St. Antoine went on to say that the Council had discussed every line, indeed almost every word, of the proposed rules. He took his hat off to the present Council for the task they had carried through.

Professor Brockway asked whether the rules, if approved, could be changed if it turned out after, say, two years that they didn't work properly. Professor Burt said that the Council would continue to be active, and could propose changes in the rules at any time. Professor Weinberg said that there was a fundamental practical question here. The University was currently operating under the Interim Rules, and there was a general desire for a substitute, which had now been developed. If deficiencies appeared in these rules, pressure for change would develop, but we would be operating under more closely defined parameters.

Professor Marshall said that she was opposed both to the existing Interim Rules and to the proposed substitute, although she realized she was in a minority. She felt that these rules were better called disciplinary procedures, and treated matters that were better handled through the courts. In particular, she objected to the term "needed quiet". This was a right that was not legally enforceable, and represented a reaction to the events of 1970. She went on to say that if the preparation of the new rules had been publicized, many would have come forward in opposition.

A discussion ensued in which Professor Marshall asserted that the Assembly should tell the Regents that they were not satisfied with either the Interim Rules or the proposed substitute, while Professor Weinberg and Mr. Lessem said that there was no practical possibility of getting the Regents to withdraw the Interim Rules without establishing a substitute. In response to a question from Professor Loomis, Professor Burt explained that unless action was completed by the Assembly and the Regents in 75 days, it would be necessary to start all over again.

Professor Lands said that it was not appropriate to describe the rules as a response to one occasion. Rather the University community wanted to get away from a set of imposed rules, and had tried to develop a set of rules that would be acceptable to all concerned.

APPROVAL  
MOVED

Professor Oberman moved, with a second, that the rules proposed by the University Council should be approved by the Assembly.

Professor Caldwell said that he felt there was a need for the University to have its own set of rules for handling disruptions, since the results had been very damaging at other universities that had called in outside police forces.

Professor Anton said that he had been concerned with the same issues that Professor Marshall had raised, and he thanked her for pointing out that there were alternative courses of action. He said that one good reason for approving the proposed rules was that, unlike the Interim Rules, they applied to faculty members and administrators as well as students. On the other hand he said it was possible that the rules would raise the general level of contentiousness by establishing a number of offenses that could not be precisely defined.

RULES  
APPROVED

Professor Wilkes, with a second by Professor Williams, called for the question, which was agreed to by a voice vote. The motion to approve the proposed rules was then passed by a vote of 42 in favor to 3 opposed.

Since considerable time had elapsed, and since Professor Nellie Varner was attending the meeting so that she could make a statement on racial identification on job applications and answer questions, Chairman Hinerman asked that that item on the agenda should be taken up next.

RACIAL  
IDENTIFI-  
CATION ON  
JOB  
APPLICATION

The following motion had been introduced at the January Assembly meeting by Professor Hymans: "Resolved: The Senate Assembly opposes the introduction of racial information on job applications." Consideration of the resolution having been postponed to the February meeting, it was now before the Assembly. The Regents had agreed at their February meeting to postpone action on this matter until their March meeting in order to give the Assembly time to express itself. It was therefore important that some action should be taken on the resolution. Dr. Hinerman asked Dr. Varner to come forward and furnish the Assembly with the necessary background.

ADDRESS BY  
PROFESSOR  
VARNER

Professor Varner said that the major purpose of introducing the question about racial identification on job application forms was to permit applicant analysis for federal agencies. While an impression had arisen that it was intended to serve as a basis for preferential treatment in hiring, this would be pointless since race and sex could be easily identified by observation.

The federal guidelines did not require racial identification on application forms, but did require statistics to be kept. If the information was not on the forms, supervisors had to make such identifications on the basis of their best knowledge. There was no law against asking for racial identification; the State Civil Service was currently doing so. A survey by Vice-President Pierpont of other institutions revealed that they were following the federal guidelines, but were using various clandestine means of identifying race. By comparison, there was a blank on the form for sex and filling this in was not indicated as voluntary, as the racial identification was.

Professor Nelson asked how useful voluntarily provided information would be, and noted that racial categories indicated on the forms seemed illogical. Dr. Varner replied that HEW had specifically instructed them to use the present categories, and that it was hard to answer the first question in advance of experience.

Professor Farrand raised a question about filling instructional positions, pointing out that a great deal of screening was done by correspondence before anyone was asked to come for an interview. Race was usually not mentioned, and would not become known in some instances; yet the department was asked to fill in a form giving this information about all applicants. Professor Varner replied that a person's race could often be inferred from what schools he went to, where he lived, and other such data.

Chairman Hinerman said that the question had been referred to the Civil Liberties Board, which had not made any official recommendations. He asked Professor Gale Jensen, the Chairman of the Civil Liberties Board, whether he wished to make any comments. Professor Jensen said that the Board had spent 2-1/2 hours discussing the question. At the end of that time a motion was presented, expressing serious reservations about the inclusion of racial identification on job applications. The motion was defeated by 5 votes to 3 with 2 abstentions, and no other motion was presented. It was fair to say that considerable uneasiness had been expressed, and there had been agreement that it would be wise to have the racial identification placed on a detachable form if possible.

Professor Jameson asked why racial information could not be obtained after hiring. Professor Varner replied that it is done already, and was needed before hiring only for applicant flow analysis. This analysis showed what proportion of minority applicants were hired, and would enable the University to protect itself if charges of discrimination were made.

Professor Varner added that a new executive order, just received, asked for analyses showing the proportions of Jews, Catholics, Italians, and other ethnic groups. Asking questions would be the only way of obtaining this kind of information.

Professor Hymans, who had to leave at this point, said that he was delighted to hear that the Affirmative Action Program would not suffer if his motion

passed. He pointed out that his motion referred to the initial application forms, and not to later data gathering. He felt that the dangers towards which his motion pointed were strong, and he would like to see it pass.

Professor Lands suggested that a flow analysis could be done without having racial entries on the application forms. Sending in the information on separate pieces of paper should be adequate.

Professor Asgar, pointing out that he was himself a member of a minority, said that he had always felt that people were hired on the basis of ability at the University. If racial information was entered on application forms, it would be very hard to remove it later, and the long-term consequences would be bad; it was better not to get started.

Professor Anton asked whether a decision could be postponed, and upon the chairman's saying that it could not be because of the timetable for Regental action, he expressed his opposition to the motion, saying that the information would be a help to the University.

Professor Cohen supported the resolution strongly, saying that he shared Professor Asgar's concern about long-term consequences.

MOTION  
PASSED

A vote was taken on the motion, and it passed with 21 in favor to 18 opposed. Professor Cohen suggested that the vote, as well as the resolution, should be conveyed to the Regents.

Professor Lands asked Professor Varner whether detached information of the kind he suggested would be reliable. She said that its reliability would be reduced by people's tendency to mislay it before sending it in. She didn't know what alternative would be resorted to if questions about race were not permitted on the application forms.

REPORT BY  
PROFESSOR  
BULKLEY

Professor Jonathan Bulkley came forward to report on the activities of the Program Evaluation Committee. Since a written report had just been distributed, he said that he would keep his remarks very brief.

Of the objectives listed in his report, he said that the first, designing review prototypes, was the most important.

There had been six meetings of the full committee since it was formed; otherwise, the work had been done in task forces. They had had a very informative meeting with President Moos of the University of Minnesota when he was in Ann Arbor.

Professor Jensen asked whether the Committee had felt the lack of any member from the humanities. He remarked that it was very hard to talk about quantitative products in that area. Professor Bulkley said that while members did not seem closely tied to their backgrounds, the point was well taken. Professor Mohler asked whether the Committee was planning to go through the individual schools in line with Item 3 of the report. Professor Bulkley replied that that was down the road a piece. Some of the members of the Committee had wanted to start evaluating right away, but the general feeling had been that it should wait until general principles had developed.

REPORT BY  
PROFESSOR  
PILCHER

It was now time for Professor James Pilcher to report on the activities of the Committee of the Economic Status of the Faculty.

Professor Pilcher said that the Committee was unhappy with the Governor's budget recommendations. They had had several meetings with Vice-President Smith, and it was possible that a joint meeting with the administration and the Regents might be set up. He was expecting to recommend some structural changes in the committee; for example terms of committee members should begin and end in September, rather than June.

RESEARCH  
PROGRAM ON  
FACULTY  
GOVERNANCE

Professor Goodman presented his progress report on the Faculty Governance Research Program. Since it had been distributed, he felt it necessary to say only that everything looked good for setting up such a program, but that he wanted to get formal authorization from the Assembly before proceeding further. He introduced the motion contained in the report, which read as follows:

The Senate Assembly authorizes SACUA to appoint an ad hoc Advisory Board to initiate a Research Program on Faculty Governance. The ad hoc Board shall take appropriate steps to recruit a director for the program and to establish, with the cooperation of the director, how a standing Advisory Board shall be selected and what its exact functions and duties shall be.

MOTION PASSED

The motion was seconded by Professor Anton, and passed unanimously.

NOMINATIONS  
AND  
APPOINTMENTS

Chairman Hinerman announced two nominations by SACUA to the Long-Range Planning Committee and two to the Budget Priorities Committee, as follows:

- a. Long-Range Planning Committee - U-M Flint representative - Robert W. Heywood, Professor & Chairman, History; Edward M. Chudacoff, Professor of Music.
- b. Budget Priorities Committee - Dr. John R. G. Gosling, Associate Professor of Ob-Gyn; Luke K. Cooperrider, Professor of Law.

There were no additional nominations, and the SACUA nominees were selected unanimously.

MEMORIAL  
FOR FORMER  
FACULTY  
MEMBERS

Chairman Hinerman asked that Assembly members should stand for a moment of silence in memory of three colleagues who had died during the past month. These were: John F. Simpson, Assoc. Professor of Neurology, and member, Senate Assembly; Alexander W. Allison, Professor of English; Peter R. Mattis, Assistant Professor of Psychology.

ADJOURNMENT

The meeting adjourned at 5:46 p.m.

Wilfred M. Kincaid  
Secretary