

THE UNIVERSITY OF MICHIGAN
SENATE ASSEMBLY

Minutes of Regular Meeting, February 19, 1979

ATTENDANCE

Present: Angus, Aupperle, Barnett, Bowker, Berg, McClendon, Brazer, D. Brown, M. Brown, Browne, Coon, Cooper, Corpron, Crichton, Dingle, Downen, Eckert, Elving, Flener, Fowler, Gay, Friedman, George, Gordon, Rush, P. Jones, Hinerman, Hungerman, L. Jones, Lyon, Koran, Leary, Lindberg, Lynch-Sauer, Merte, Morley, Naylor, Gabrielson, Parkinson, Penner, Porter, Portman, Poznanski, Romani, Rowe, Simonds, Burckhalter, Tonsor, Trojan, Grassmuck, Verhey, Winans, Zorn.

Absent: Searse, Caldwell, Cohen, Dabich, Diamond, Edwards, Fekety, Gull, Harris, Nisbett, Powers, Rabkin, Abdel-Massih, Saxonhouse, Vasse, White.

Guests: Dean J. Robert Cairns, Professors Frederick Bartman, Edward Gramlich, and Wilfred Kaplan.

MINUTES

The Minutes of the Assembly meeting of January 15 were accepted.

There was discussion of the references in the SACUA minutes to the Allon incident and the University's reaction to the event. Professor Elving asked why the free speech guidelines were not put into effect. He noted that no disciplinary action has been taken against student groups which openly declared responsibility. He said that the committee recently formed to study the guidelines will be useless -- there is no reason to expect better guidelines than the ones we have. The committee should ask itself whether we need new guidelines or simply action on the old ones. Professor Livermore responded that there is a serious question of what constitutes a disruption. How this is to be understood or defined, and how the fact of disruption is to be determined are issues the new committee will consider. As the guidelines are now written, the determination that a disruption has occurred -- and hence punitive measures are called for -- is left to the judgment of the chairman of the meeting. He noted that President Smith has invited the committee not to feel inhibited by its charge to examine the guidelines. If it wishes, it may go into the Allon lecture incident.

Professor Elving was dissatisfied. He thought the description in the guidelines was clear. He read from the preamble to the guidelines which distinguishes between demonstrations and disruptions. He said that failure to take disciplinary action was an invitation to competitive disruption, to mob rule. Professor Livermore replied that one

man's perception of disruption is another man's perception of free expression.

Professor Tonsor objected to Livermore's description. He asserted that the University supplies a privileged forum for the free exchange of ideas, and that free speech is limited by the nature of the exploration of ideas that goes on in the University.

Professor M. Brown called attention at this point to the length of the agenda, and asked that the meeting turn to it.

Professor L. Jones, not wishing to prolong the commentary, nevertheless amplified the SACUA minutes, pointing out that the ad hoc committee on the guidelines was free to consider the issues retrospectively as well as prospectively.

ANNOUNCEMENTS

1. Professor Livermore announced that SACUA had asked Vice President Shapiro for his views on Program Discontinuance. The Vice President has in turn requested the opinions of the various Deans, Directors, and Executive Committees, and is still collecting these.

2. Last minute changes in the CESF report on Social Security delayed the distribution of material to the Assembly until today.

FACULTY COMMITTEE ON THE PRESIDENCY

Professor John Romani reported in place of Professor Johnson. He called attention to the statements the Committee has distributed to the Assembly on the needs of the University and the qualities to be sought in a new president. He said that the committee was beginning twice-a-week meetings to consider candidates. The Regents have decided that nominations will not be closed, so that names may continue to flow in. The Committee has not yet discussed the regental provision that representatives of the faculty, student, and alumni committees participate in interviewing candidates. There were no questions from the Assembly.

ELECTION OF THE ASSEMBLY NOMINATING COMMITTEE

The Assembly elected the following members to choose candidates for SACUA: Professors Aupperle, Brazer, Elving, Rabkin, Leary, and Livermore.

REPORT ON THE ASSOCIATION OF MICHIGAN COLLEGIATE FACULTIES

Professor Wilfred Kaplan, the representative to the Association from the Ann Arbor campus, distributed a written report descriptive of the group and its activities this year. He laid stress on the Association's work in three areas: 1) the implications of the tax limitation amendments voted on last Fall; 2) the Supplemental referendum on Public Act 105 (state aid to students in private colleges); 3) discussions

with representatives of state government on various problems, especially the problem of competition among state colleges and universities. He noted that the Association was an open forum and encouraged broad faculty participation.

STATE FUND-
ING OF STU-
DENTS AT
PRIVATE
COLLEGES

The Assembly heard from Dean J. Robert Cairns of UM-Dearborn about a petition drive for a referendum on Public Act 105 which calls for state tuition-support for students at private colleges in the state. He said that the main issue of public support for private education was too complex and far-reaching to debate today. He wished only to alert the Assembly to certain facts about Public Act 105. He said it was but one of eight separate programs of support of private education with public money. He summarized the other seven: 1) the competitive scholarship program; 2) aid for needy students (up to \$1,500/yr); 3) merit scholarships; 4-7) various reimbursements for every student graduated. The first of the programs began in 1962. All seven cost the state \$24 million/year now. Public Act 105 was signed in April, 1978, and pays \$600 (although the legislature authorized only \$500 for this year) per capita to freshmen in all of more than forty private institutions. The payments are called tuition differential grants. They are credited directly to the student's account by the institution; hence they bear no direct relation either to educational achievement or to educational service. The purpose of the act is explicitly to save the private colleges from death due to financial causes. Dean Cairns then listed some of the colleges receiving the grants, and emphasized that economic need was not a criterion for the grants. He said that the grants amounted to \$6 million this year, and in three years will amount to \$24 million.

He pointed out that the state has twenty-nine community colleges and fifteen state colleges and universities, and that the college-age population is declining. He expressed concern about long-range outcome of eliminating the tuition differential between public and private institutions. He claimed that too little thought had been given to this question. A successful petition drive for a referendum will stop the program for a year, and, he concluded, give us the necessary time for reasonable thought and debate.

Professor William Neenan was then given time to respond to Dean Cairns' presentation. He raised three questions: 1) what would be gained by eliminating the tuition-differential grants? 2) what would be lost? 3) what alternative do we have. He said that the total appropriation for public education was well over \$700 million this year. The \$6 million distributed under Public Act 105 is thus less than one percent of the total. The University of Michigan would gain about \$30.00 per student if the money were distributed to public education. The loser, if the tuition grants were eliminated, would be, primarily, the University of Detroit.

He pointed out the cultural importance of the University of Detroit, the fact that it has a 22 percent minority enrollment, and the programs already in effect for state support of Detroit cultural institutions. The major alternative we have to a petition drive is to put pressure on lawmakers. Professor Neenan asserted that it was the Legislature's job to pass laws and to correct mistakes in the laws. He favored the legislature introducing an income testing provision to its program of assistance, and suggested that we should direct our efforts at the lawmakers.

REPORT ON THE IMPACT OF CHANGES IN SOCIAL SECURITY LEGISLATION

Copies of a preliminary table from the CESF report were distributed to the Assembly. Professor Gramlich began by asserting the incredibly complicated nature of the issues -- especially the issue of continued participation in the Social Security system by the faculty. For example, legally the faculty cannot unilaterally discontinue participation. The support of the whole University community is necessary. Also, it appears that the option to withdraw from the system will not continue much longer.

Professor Gramlich then outlined briefly the nature of the Social Security system; it includes: 1) retirement benefits -- about 50% of its expenditures; 2) survivor benefits -- about 16%; 3) disability benefits -- about 16%; and 4) medicare -- again about 16%. The CESF report focuses on the Retirement Program.

He explained that the program is not a trust, in which, as it were, one invests and shares the benefits of investments. Nor is it an insurance system based on actuarial principles. It is rather a pay-as-you-go system in which current workers pay for the retired ones. The rate of return has generally exceeded the real interest rate, i.e., it has done better for its beneficiaries than interest derived from investments. He estimated that people over 35 now will do well in the system, people under 35 not so well. He noted that the lowest paid married couples with a single income-earner do better than anyone in relative terms.

In looking at the table shown in the report, Professor Gramlich pointed out certain assumptions. For example, the median university employee has a salary above the median for the nation. But the growth rate in the median university salary has been two points lower than the national median for several years. The report assumes that this growth rate difference will continue. Hence the system will look increasingly good for us. Other assumptions would make it look worse.

He admitted that the calculations shown in the table are uncertain. But they do show, given the correctness of assumptions, that very few of us would benefit from leaving the system. He then called for questions.

Professor Friedman opened discussion by asking if alternatives to Social Security had to be mandatory. The answer was no. Professor Elving asked for and received clarification on the manipulation of the variables in the table illustrations.

Professor Romani said that we had to consider other elements in the System besides retirement. Survivor benefits, for example, are important. In addition, he went on, we must take into account the balance between Social Security and TIAA-CREF.

Professor Gramlich replied that the report assumes that the University would continue to supply the same amount of money. It was pointed out that several universities, including Wisconsin, Ohio State, Illinois, and L.S.U. do not participate in Social Security.

Professor Friedman asked why federal employees did not participate. Professor Gramlich said that federal pensions were indexed to prices differently. For example, a 3% rise in the cost-of-living is reflected in a 4% rise in federal pensions. Social Security is exactly indexed.

Professor Gramlich concluded by asking if further work by CESF on these issues should be geared to fact-finding or to making recommendations for action. The Assembly preferred the gearing of reports to recommendations for action.

SALARY DIS-
CLOSURE

Professor Livermore recapitulated the debate of the Assembly on this issue, including the substitute motion by Professor Cooper than had been postponed until this meeting. Professor Cooper was then recognized, and he withdrew his motion in favor of one developed by SACUA.

Professor Corpron, speaking for SACUA, then introduced a resolution, which was seconded by Professor Tonsor.

Respecting the principle that the University community is entitled to full information about salaries so long as that information does not permit identification of individuals, the Senate Assembly requests CESF to bring before the Assembly by next fall a proposal for an annual publication. The proposal should include staff categories beyond members of the University Senate.

Professors Porter and Brazer asked about the extent of the information to be published. Professor Porter noted that in Iowa the salaries of all public employees are public. Professor Livermore responded that a lawsuit by The Ann Arbor News is now pending that request full disclosure.

Professor Berg ascertained that the motives behind the resolution are a perceived need for more information about salaries and for publication of that information.

Professor Livermore called for a vote on the resolution. The resolution was passed. Yes--29; no--11; abstaining--4.

SENATE AD-
VISORY RE-
VIEW COM-
MITTEE

Professor Frederick Bartman, Chairman of SARC, returned to the podium to continue discussion of the effectiveness of SARC. He once again addressed the Assembly, he said, to voice the concern of SARC about the poor record of implementation of its decisions.

He corrected a mistake he had made last month in reciting the history of SARC decisions. He noted that in the two most recent cases there was evidence of administrative accommodation to the SARC decisions, although not strict implementation. He said that the intervention of the SACUA chairman in one of the cases seems to have been crucial.

He then reiterated the basic concern: how to obtain implementation of SARC recommendations. He said that SACUA follow-up of SARC cases appears to have been helpful. Perhaps, he suggested, such follow-up should be automatic. Then, if SACUA action fails, the matter might be brought to the Assembly. If Assembly action fails, then perhaps the Senate as a whole might act. The idea would be to bring as much faculty support as possible to bear on reluctant administrators, who have the ultimate authority in disposing of cases.

Professor L. Jones opened the discussion by asserting that SARC itself, and not other bodies, ought to be vested with the responsibility of making recommendations. Professor Elving followed up this idea by asking how either the Assembly or the Senate can have any right to vote on cases without access to a complete file. He said that we must be careful to act wisely in such areas.

Professor Bartman explained that the focus of SACUA and the Assembly would be on implementation, not on deciding cases. The problem is how to give the decisions more weight; hence, the suggestion of moving towards the Assembly and the Senate for support.

Professor Berg queried: you ask for a vote of confidence without sharing details. If you did share, confidentiality would be destroyed.

Professor Bartman replied that he hoped reading the report of SARC would be a sufficient provision of details. Clearly, confidentiality would have to be waived by the individual before SARC could make broad appeals for support --

that is essentially how things stand now.

Professor Tonsor asked if there were any way to get a simple, uniform set of rules throughout the University. Livermore answered by referring to the long history of semi-autonomy in the schools and colleges.

Professor Dingle pointed out that the central problem was that SARC makes its recommendations to interested parties for purposes of implementation. The same person or body whose section SARC has overturned is expected to accept and implement SARC's decisions.

Professor Cooper said that indeed it appears that in ten years not a single SARC recommendation has been implemented in any strict sense. Perhaps the support of SACUA and the Assembly, meeting in executive session, would be sufficiently powerful. It is clear that we do not have an effective grievance procedure, and that we need one.

Professor Portman thought that it might be sufficient if SACUA and the Assembly supported SARC and its procedures, without going into the details of individual cases. Professor Gordon noted that in a recent case the follow-up of the SACUA chairman seemed to have been necessary.

Professor Elving said that SARC is currently the third court of appeals to which a faculty member may go. SARC's advisory status is in part what keeps it from having real power. He asked whether we wanted a university executive committee with power to overrule collegiate committees.

Professor Bartman replied that SARC is not confirmed in its recommendations because the Deans and Executive Committees to which SARC makes its report have already judged the case at hand. He repeated the point that SARC only hears cases that have already been twice reviewed.

Professor Friedman declared that SARC ought to be dissolved if it does not get endorsement by SACUA and the Assembly. Professor Porter recalled that years ago, when SARC began, the same disregard of its recommendations occurred.

Professor L. Jones said that he felt SARC should be advisory. He could not subscribe to a university-wide executive committee. We should have a grievance procedure but it ought not to be binding.

Professor Corpron asked if SARC can deal with procedural matters only. Professors Bartman and Cooper responded that all SARC cases are essentially procedural problems, that the merit of the individual is never in question. Often, however, procedural and substantive matters overlap.

Professor Elving suggested that SARC be made advisory to the central administration who can do something about implementation. Professor Hinerman responded that the Executive Officers do not seem to want to be responsible in this area.

Professor Winans asked if the central administration might become a mediating body between SARC and the schools and colleges. There was no direct response. Professors Cooper and Friedman reiterated that Assembly concern for SARC's effectiveness was important.

SARC is in the process of developing a proposal to increase its effectiveness which it will bring to the Assembly in the near future.

Professor Livermore, noticing the hour, called a halt to the Assembly debate.

ADJOURNMENT

The Assembly adjourned at 5:40 p.m.