

UNIVERSITY OF MICHIGAN

SENATE ASSEMBLY

Minutes of Regular Meeting of 15 March 1982

ATTENDANCE

Present: Bailey, Barnard, Barritt, Bishop, D.Brown, Martin, Browne, Burdi, Carter, Cooper, Crane, Dahl, DeKornfeld, Dixon, Easley, Esteban, Friedman, Frost, Gray, Green, Hilbert, Hildebrandt, Kesling, Hollinger, Hultquist, Keren, Catford, Lockwood, Loup, Meyer, Millard, Morash, Mosher, Pollock, Regezi, Ringler, Rinne, Romani, Senior, Smith, Tentler, Vinter, Weiner, White, Wieland, Hagen, Wynne, Blass, Brown

Absent: Ackley, Beck, Brooks, Caffesse, Crowfoot, Carpenter, Cassidy, Dobel, Stephenson, Evans, Abdel-Massih, Groves, Haddock, Kahn, Liepman, Lynch, Maassab, Nagy, O'Meara, Root, Nadon-Gabrion, Tek, Young

CALL TO ORDER

The meeting was called to order at 3:18 p.m. by Professor M. Brown, chairman. The minutes of the meeting of 15 February 1982, were approved.

MATTERS ARISING

Professor Barritt asked whether SACUA had considered asking the Budget Priorities Committee to institute a review of the athletic department. Professor Morton Brown replied that it had not, because the suggestion had not come up but added that no part of the University should be immune to review.

ANNOUNCEMENTS

1. Three new members of SACUA are to be elected today by a preferential voting system that requires each voter to rank all the candidates. The Senate Rules require that at most one member of SACUA be from the School of Library Science, so, if one of the two candidates from that school is elected, the other must be disqualified. Nominations from the floor were invited, but none was offered.

2. A joint faculty-administration committee on grievance mechanisms

has been appointed. It is to assess the grievance procedures of the schools and colleges and to propose a central grievance mechanism. The faculty representatives are Professors Bruce Friedman and Fred Bartman; the administration representatives are William Lemmer, Virginia Nordby and Charles Allmand.

3. A proposed University policy on hazing will be introduced, as new business for a vote at today's meeting. The extraordinary step of voting on an item not on the agenda is intended to permit Regental action before students leave at the end of the term. Such a vote is permitted by the rules unless one third of the members present object.

CESF SURVEY OF FACULTY

Professor Ronald Teigen, chairman of CESF, presented a report on the survey of faculty attitudes toward last year's salary program and possible unionization. The questions on unionization were included in response to petitions from members of two LSA departments.

Of the 2740 questionnaires sent out, 905 were returned, although not all questions were answered on all of these. In fact, one respondent returned a blank questionnaire with a note saying that he refused to answer as a protest against his salary determination. Of the 905 responses, 497 were from professors, 186 from associate professors, 113 from assistant professors, 42 from persons of other ranks, and the remainder from persons who did not indicate their ranks. The answers have been tabulated according to a number of classifications, including the respondent's salary increase, years of service, etc.

Most of the report dealt with the breakdown according to salary increase. The replies to questions 1, 2a, 3a, 4a, 5, 9, 12, 13 and 14 indicated that persons receiving an increase of less than 6% were more likely than others to feel that the available information on how increases are determined is inadequate, that research is adequately rewarded while teaching and service are not, that their units responded too generously to outside job offers, that the salary distributions in their units are inequitable, and that CESF should take a more activist stance. The numbers and percentages of the various responses were shown on slides; they will be included in CESF's written report, so they are not reproduced here. A majority of the respondents felt that adequate information about salary determination was available. Majorities of about 60% felt that research and service were appropriately rewarded; only 50% felt the same about teaching while 46% thought teaching should be rewarded more. A slight majority opposed skewing salary increments toward younger faculty, but a large majority said that their units' salary decisions were skewed. Opinion on equitability of salary distributions was nearly evenly divided. Almost

70% of the respondents favored a more activist role for CESF, with nearly 60% asking for information about collective bargaining but fewer than 25% wanting CESF to spearhead a move to invite potential bargaining agents to circulate unionization petitions. The written answers to the questions not in multiple-choice form have not yet been analyzed except according to tone. They clearly indicate considerable unhappiness about last year's salary program and criteria.

DISCUSSION

Professor Weiner asked whether question 12 (about CESF activism) referred to decisions about the total raise pool or about its allocation within units. Professor Teigen replied that the former was the intent; CESF has never played a role in the internal distribution of raises. He added that this question was primarily meant to set the tone for the succeeding questions about unionization.

Professor Bailey asked whether CESF intends to respond to the apparent mandate (in question 13) to gather information about unionization. Professor Teigen replied affirmatively; one possibility is to update and broaden the report on unionization issued by CESF about five years ago.

Professor Barnard asked how the percentage of questionnaires returned varied with rank. Professor Teigen did not have this information readily available but will get it.

In reply to a question from Professor Barritt, Professor Teigen said that the survey of retirees is nearly completed. The responses are being summarized in a report that he hopes will be ready by the end of the term.

Professor Pollock urged that the responses to question 10 (about suggested changes in salary increment distribution) be studied carefully, since they indicate what can be done to alleviate the unhappiness expressed by the respondents.

In response to a question from Professor Easley, Professor Teigen gave the statistical data on question 6 (on skewing raises toward younger faculty).

Professor Barnard asked for and received assurance that the written responses would be analyzed for content, not merely for tone.

Professor Longo thanked Professor Teigen and CESF for the effort and time they devoted to this survey.

Professor M. Brown asked whether CESF has thought about how to

respond to the mandate to take a more activist role. Professor Teigen replied that no decision had been made, but some ideas had been proposed, for example, interacting with the Budget Priorities Committee. He welcomed suggestions on how CESF could be more effective, and he mentioned that CESF is preparing reports on early retirement, the economic status of retirees, and flexible benefits.

Professor Weiner said that the mandate for activism did not indicate whether the faculty wants activism at the level of the total salary allocation, at the level of distribution among units, or at the level of distribution within units. He suggested that this information be collected to guide CESF. Professor Teigen replied that it was not clear how CESF could intervene at the lowest level. Professor Weiner pointed out that most of the questionnaire dealt with the lowest level. Professor Teigen replied that the questionnaire was intended to survey opinion on two separate matters: salary allocation within units and unionization.

Professor Tentler asked about the breakdown of responses according to schools and colleges. Professor Teigen replied that, although these numbers have not yet been tabulated, it is clear that there is great variation among schools and colleges. The Business School was generally euphoric about last year's salary program, while the School of Social Work was at the other extreme. Professor Tentler saw this as a sign of a real polarization between various schools and colleges.

Professor Vinter suggested that the attitude within each unit, as revealed by the survey, be made known to the unit's executive committee.

REPORT OF THE TENURE COMMITTEE

Professor William Stebbins, chairman of the Tenure Committee, reported on the committee's activities during the past year. It drafted a statement on appointments with tenure, reaffirming the "seven years up or out" policy in response to appointments, of faculty with seven years' service, to the position of associate professor without tenure. It prepared a statement clarifying how tenure responsibilities are to be shared by the teaching units in which a person holds a dual appointment. It has worked to increase communication to new faculty about their units' tenure policies and criteria and to increase communication between schools and departments about tenure responsibility. It has reviewed the proposed changes in supplemental instructional staff definitions and recommends that, if they are approved, they be scrutinized periodically for misuse of the adjunct title. It has considered tenure problems that could arise in connection with program discontinuance; in particular, the appeal procedure in Regents' Bylaw 5.09 was not

written for discontinuance cases and could become unwieldy if there were many appeals. It has begun working with the administration on guidelines for tenure policies of the various units.

DISCUSSION

Professors Barnard and Bailey pointed out several passages in the Tenure Committee's draft policies that imply the possibility of partial tenure. Professor Stebbins said that this was an unintended loophole. The statement on dual appointments was intended to apply to full-time tenure split between two teaching units. The committee has not yet taken a position on part-time tenure; it will address this difficult question in the future. Professor Weiner asked Professor Stebbin's opinion about a situation in which a person with 50% appointments in each of two units gets tenure in one unit but not in the other; Professor Stebbins replied that the first unit would then be obligated to continue the 50% appointment.

Professor Browne mentioned that there are other loopholes, for example the possibility of changes in appointment fractions. He also said that the committee had not intended to overrule existing agreements between people with dual appointments and their units. Professor Stebbins added that the committee was dealing with the many questions about tenure one at a time; the policies prepared so far are not intended to solve all of these questions.

Professor D. Brown pointed out that the policy on dual appointments applies not only to teaching units but to all appointments on general funds.

Professor Cooper asked about protection against misuse of the adjunct title. He cited cases where a person was denied tenure, dismissed, and then offered a three-year full-time adjunct contract. Edward Hayes (Assistant Director for the Office of Faculty and Staff Information) replied that the present definition of the adjunct title requires the holder's primary responsibility to be outside the University; the new policy permits the primary responsibility to be in another unit of the University, but neither policy permits the situation described by Professor Cooper.

In reply to questions from Professor Martin, Professor Stebbins said that the position of lecturer is still in use, is renewable, and never bears tenure. Professor Easley said that she had been told that someone appointed as associate professor without tenure can be reappointed indefinitely and never gets tenure; she considered this to be inconsistent with the Regental Bylaws. Professor Stebbins agreed and said that one purpose of the statement on appointments with tenure is to enforce the Bylaws' insistence on tenure after seven years.

Professor Vinter asked whether this statement was to be effective immediately. He was concerned that present associate professors without tenure might be terminated as a result of the new policy. Professor Stebbins replied that the policy should be effective immediately. There are at most one or two associate professors without tenure with more than seven years of service. Professors Browne and Friedman added that these people would not be terminated, for the new policy would give them de facto tenure.

Professor D. Brown asked for an interpretation of the titles "Professor of X with tenure, x%, Professor of Y, y%, etc." on appointment forms. Do they imply full tenure in department X? Professor Stebbins replied that the Tenure Committee had not yet addressed this question.

Professor M. Brown announced that the statement on appointments with tenure would come before the Assembly for a vote in April. He urged members to discuss it with their colleagues. Professor Green pointed out that April's meeting will be of the new Assembly. Professor Friedman asked what would be done with the statement if the Assembly approved it. Professor M. Brown replied that SACUA would transmit it to the Vice President for Academic Affairs for discussion with the deans. He also said that the proposed policy on dual appointments, a first step in plugging many holes in current policies, could come before the Assembly for approval.

Professor M. Brown then explained that the proposed changes in supplemental instructional staff definitions had already received the approval of all necessary groups except the Assembly, the executive officers, and the Board of Regents. Professor Browne moved that the Assembly approve the proposed changes in Regental Bylaws 5.22 and 5.23 and the Standard Practice Guide; Professor Green seconded the motion.

Professor Pollock asked what sort of appointment would be used if a retired president were offered a full-time temporary teaching position. Professor Stebbins said that this would be a visiting appointment. Professor Pollock said that visiting appointments were traditionally given to people with academic positions elsewhere. Edward Hayes said that the proposed changes would permit visiting appointments in the situation Professor Pollock mentioned but that the title of lecturer would also be appropriate.

In reply to a question from Professor Barnard, Edward Hayes explained that the distinction between the adjunct and clinical titles has historically been simply a matter of the person's non-University work. There is now a trend toward having the distinction reflect the person's University assignment, the adjunct appointment being associated with classroom teaching.

Professor Browne's motion to approve the changes was passed unanimously.

HAZING POLICY

Professor Hildebrandt moved that the proposed University policy on hazing be brought before the Assembly. The motion was seconded by Professor Romani and passed.

Virginia Nordby and MSA Vice President Amy Hartmann outlined the history of the policy proposal. Work on the policy began after an incident involving the ice hockey team. It was found that policies were unclear and methods for handling violations were inadequate. Students, working with Nordby, developed the present proposed policy as an umbrella for more specific rules, including sanctions, for the various groups involved, ranging from fraternities to units of the University. The intention is not to supplant the criminal law but to bring in University discipline.

Professor Smith said that the policy is hopelessly undefined. He particularly objected to the phrase "but is not limited to" in the definition of hazing, as it allows almost anything to be called hazing. Amy Hartmann added that MSA had also felt the policy was vague and had proposed inclusion of sanctions for violations. The Inter-Fraternity Council and other groups have also written sanctions. Professor M. Brown said that "but is not limited to" is intended only to avoid saying that any act not explicitly listed is immune from sanctions; Professor Smith felt it was too open-ended. Professor M. Brown said that the policy before us contained no sanctions, but Professor Smith said the last sentence implies sanctions.

Professor Barritt said that when hazing involved illegal acts, these acts should be prosecuted, and otherwise students should just avoid the organizations involved. Amy Hartmann said that no state laws prohibit hazing, and students want to stop the harm that is being done. Virginia Nordby said that it is better to do something institutionally about hazing than to rely on civil authorities, especially in the case of continuing hazing practices that only occasionally reach the criminal level. Professor D. Brown said that some organizations, e.g., athletic teams, cannot simply be avoided because of hazing.

Professor Pollock suggested that, in addition to criminal law, civil law could also be invoked. The University could suppress hazing, without attempting a precise definition, by supporting civil action against it. He also said that the policy's clause about "intentionally placing at risk of severe mental or emotional harm" could be interpreted as including giving exams.

Professor Keren said that the University, having given its approval to an organization, should not allow humiliation. He also said that the phrase "to the extent that it can legally do so" would prevent any overly broad interpretation of what constitutes hazing. Professor Smith said that the University can legally deny space to organizations. Professor Cooper suggested deleting the phrase "but is not limited to."

Professor Green asked whether the Civil Liberties Board had considered the proposal. Professor M. Brown replied that it had not. Professor Green felt that the concerns expressed by Professor Barritt were in the domain of this board. He also asked why a document, stamped "Received, Nov. 30, 1981, SACUA" is being brought to a vote hastily in March. Professor Brown explained that this stamp refers to the date that the document passed through the SACUA office on its way to the Student Relations Committee, not the date that SACUA began considering it.

Professor Bailey said that, in view of the serious issues raised, he preferred that the Assembly express its disapproval of hazing without adopting the particular document proposed. He mentioned that the examples of sanctions listed earlier by Amy Hartmann did not cover the hockey team incident that started the policy's development. Virginia Nordby said that the policy, if adopted, would make any staff involved in hazing subject to discipline and would require the Athletic Department to have sanctions against the players involved. Amy Hartmann said that the Athletic Department does not intend to change its policy until the University adopts a hazing policy.

Virginia Nordby added that, legally, the range of acts that can be included under "but not limited to" is confined by the general nature of the cited examples. Whether or not this phrase is included in the definition, we must be alert to problems and possible revisions.

Professor Hollinger said that the policy's text does not require hermeneutic sophistication; he proposed that it be approved.

Professor Hildebrandt moved, seconded by Professor Smith, to amend the policy by deleting all but the first two lines. He explained that, in view of the questions that had been raised, he favored a general condemnation of hazing while the detailed policy is referred back to the Student Relations Committee. The amendment was passed by a vote of 21 to 15.

The policy, as amended, reading, "The University of Michigan condemns hazing practices as requirements for membership, advancement, or continued good standing in organizations," was put to a vote and approved, 33 to 3.

SACUA ELECTION

Professor M. Brown announced that the new SACUA members, elected during the meeting, are Professors Burdi, Hilbert, and Hollinger. He thanked the members of the Assembly for their concern and ideas during his chairmanship. He also thanked Judith Nowack (executive assistant to SACUA), Vice Chairman Bishop, and retiring SACUA members Romani and Friedman for their efforts, wisdom, and advice. Professor Bishop rose to express appreciation to Professor Morton Brown for his work as chairman.

ADJOURNMENT

The meeting was adjourned at 5:17 p.m.

Respectfully submitted,

Andreas Blass
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Senate Secretary