

UNIVERSITY OF MICHIGAN

SENATE ASSEMBLY

Minutes of Regular Meeting of 21 March 1983

ATTENDANCE

Present: Thornton, Bailey, Barald, Barnard, Barritt, Beck, Bishop, Blass, Briggs, Brooks, Browne, Comninou, Burdi, Caffesse, Cares, Carter, Cassidy, Catford, Cooper, Courant, Dahl, Danielson, Easley, Adler, Weisfeld, Fellin, Deniston, Haddock, Hagen, Hilbert, Hildebrandt, Hollinger, Hultquist, Janecke, Kahn, Kaplan, Kelsey, Keren, Lawrence, Loup, Ludema, Maassab, Martin, Nelson, Moerman, Morash, Mosher, Taylor, O'Meara, Pollock, Powell, Rae, Regezi, Ringler, Robinson, Root, Rucknagel, Senior, Simon, Smith, Stevenson, Radine, Whitehouse, Wieland

Absent: Crane, Evans, Green, Hopwood, Knudsvig, Lockwood, Nagy, Rinne, Solomon, Weiner, Young

CALL TO ORDER AND MINUTES

The meeting was called to order by Professor Bishop, chair, at 3:19 p.m., and the minutes of the meeting of 14 February 1983 were approved.

ANNOUNCEMENT

A request for nominations, including self-nominations, for Assembly committees has been sent to all Senate members and distributed to Assembly members at the meeting.

SACUA ELECTION

The election of three new SACUA members, by preferential voting, was held. The results, announced later in the meeting, were the election of Professors Bailey, Easley, and Green.

REPORT OF THE RESEARCH POLICIES COMMITTEE

Professor Robert Moyers, Research Policies Committee chair, presented his committee's report on policies to govern non-classified research. He began by praising and thanking the committee members for their work. He reported that the response to the committee's request for comments on its proposal had been large and thoughtful. The following is a summary of the main points of his statement.

The resolution is concerned only with unclassified research. The committee endorses the tradition of no weapons research at the University; it altered the wording of the earlier proposal to avoid prohibiting research on topics like anesthetics, drugs, and behavior modification. It sought also to protect freedom of inquiry, the essence of university life. Without expert knowledge, it is hard to tell which research projects, if any, are inappropriate. The majority

of the committee asked for local rather than central oversight, since it provides for more thorough scrutiny by more expert reviewers, simplifies logistics, and decreases the danger of political manipulation. It also recommends a central mechanism to assure compliance by local units. The majority feels that the proposed resolution is an appropriate response to the Assembly's charge, sensitive to both freedom of inquiry and appropriateness of research. It specifies that all research shall receive expert, thorough, efficient review, and it protects civil liberties. It requires compliance by all units and makes us all (researchers, department chairs, deans, review committees, the Research Policies Committee, SACUA, the Assembly, the Vice President for Research) responsible for appropriateness of research. It provides for efficient and fair appeals. If the Assembly rejects this resolution, it can either offer no substitute - and there are many who favor no restraints on research - or devise an alternative procedure that cannot be as carefully planned as the committee's. Any alternative must protect all viewpoints, as the committee's does, and protect the liberties of all concerned.

Speaking for a minority of three members of the Research Policies Committee, Mr. Ben Davis urged the Assembly to reaffirm its extension of the classified research guidelines to non-classified research. He cited both public policy (opposition to the arms race by the people of Michigan) and moral values (the right to act when research threatens our rights, such as life). There are already rules constraining research, for example to prevent harm to experimental subjects. It is reasonable to suppose that the University's research on weapons systems harms human life, and such harm should be prevented. The Research Policies Committee's report effectively represents the opinion of some members that there should be no restraints; the policy and enforcement mechanism would be meaningless.

Professor Bishop announced that Professor Hildebrandt will be serving as parliamentarian in a somewhat more official capacity than previously.

Professor Cooper asked that his letter of 16 March 1983 to Professor Bishop and the attached document be read into the record; they had been previously distributed to Assembly members and are hereby incorporated into the minutes by reference. The letter points out (and the attached document provides supporting evidence) that only the matter of enforcement, not the policy itself, had been referred to the Research Policies Committee. The policy statement had been passed by the Assembly last April and cannot be altered without a motion to rescind, which would require a two-thirds vote since no notice had been given. Professor Cooper said that he would hold this point of order in abeyance, since he understood that the chair has a compromise procedure fair to all parties. Professor Hildebrandt explained the compromise as follows. The first part (policy statement) of the Research Policies Committee's resolution is a substitute for the policy statement of last April. Having been circulated with the agenda, it can be approved and substituted for the previous policy by a simple majority vote. But if it is substantively amended (which can be done by simple majority vote), substituting the amended version for the previous policy will require a two-thirds vote. The second part (enforcement) of the report is the committee's response to the Assembly's charge and requires only a majority vote in any case. Professor Hildebrandt strongly recommended that the resolution be divided into two parts.

Professor Cooper, said that, if the resolution is to be divided, he finds the alternate procedure acceptable and withdraws his point of order. Professor Bailey considered it unreasonable to require a two-thirds vote to substitute for the previous policy an amended version closer to that policy than the one in the resolution; he announced his intention to appeal any such ruling by the chair.

Professor Ringler moved acceptance of the Research Policies Committee's report of 9 March 1983, specifically the resolution on page 3 of that report; the motion was seconded. The resolution reads:

Resolved:

It is the policy of The University of Michigan not to enter into or renew any agreement or contract, or accept any grant, supporting research the primary purpose of which is to destroy or incapacitate human beings.

(a) All proposals submitted by or to The University of Michigan for research support should be monitored for conformance with this Policy.

(b) A sentence should be added to research application forms (currently designated 7679 or 7679A) to remind the applicants of the University Policy on Non-Classified Research. The signature of the applicant on these forms indicates the research project conforms with this and other University policies on Non-Classified Research. The signatures at the end of these forms by the Project Director, Dean or Director, and the Vice President for Research or designee formally acknowledge that the research projects will follow this and other University policies.

(c) The University Administration should ensure that each school, college, center, institute, or other unit conducting research has established a procedure for monitoring conformance to this policy, including procedures for appeal.

(d) The University Administration should appoint a committee to assess the adequacy of the monitoring procedures.

(e) The review procedures should be established within nine months of formal adoption of this policy.

Professor Cooper moved that the resolution be divided into two parts; there was a second. At Professor Pollock's request, Professor Bishop specified that Part I is the first paragraph of the resolution and Part II consists of the paragraphs labeled (a) through (e). The motion to divide carried, 38 to 13.

DISCUSSION OF PART I

Professor Hultquist, a member of the Research Policies Committee and of the Assembly, thanked Professor Moyers for his impartial conduct of committee meetings. He emphasized that, as is stated on page 2 of the report, the question is not whether but how to apply to non-classified research the principle that it shall not be aimed at destroying or incapacitating human beings. Referring to a summary that he had distributed of previous policy statements, he said that the present proposal does not merely clarify the policy or simplify its implementation. It weakens the policy to the point where it is hard to imagine any proposal being rejected. He therefore supports retaining the earlier wording.

Professor Hollinger announced his intention to propose an amendment and asked the chair to rule on the parliamentary situation it would create. Professor Bishop ruled that a simple majority could adopt an amendment but that a two-thirds majority would be needed to substitute the amended policy for the previously adopted policy. Professor Bailey appealed the ruling, saying that "primary purpose" in the proposed resolution is vastly different from the previous wording. The chair's ruling was sustained, on a vote of 27 to 20.

Professor Hollinger said that the words "the primary" seem too extreme to embody the same principle as the previous policy; he moved to amend the resolution by changing "the primary" to "a substantial". The amendment was seconded by Professor Browne.

Professor Kaplan felt that the amendment made no real difference. He cited the example of a project with a main purpose and four other purposes, the last of which is inappropriate.

Professor Kahn mentioned that "substantial" is ambiguous; legal interpretations range from "primary" to "anything important." He then turned to his main point, that having a policy at all is totally inappropriate. The classified research policy is a vestige of bad times and should not be expanded and made worse. Freedom of thought is basic (along with protection of those around us) and the University should not make moral judgements. He cited abortion as a matter which prevailing moral judgement has recently changed. He and Professor Root asked how we could move to have no policy. Professor Bishop replied that we could defeat both the amendment and the main resolution. Professor Bailey noted that last April's resolution would then still stand, so it would have to be rescinded to arrive at no policy; Professor Bishop agreed.

Professor Burdi asked whether Professor Hollinger would expand his amendment to include the language "the clearly foreseeable and probable result, the direct application, or any specific purpose" of the earlier policy; Professor Hollinger declined to do so.

Professor Edith Gomberg, a member of the Research Policies Committee spoke in support of the resolution. She said that there were two reasons for the new wording of the policy. One, spelled out on pages 10 to 12 of the report, is that more

precision is needed in dealing with all 2500 proposals than in dealing with the handful of classified proposals. The second is to forge a compromise that faculty on both sides of the issue can live with. If this compromise is unacceptable, we face prolonged and paralyzing faculty conflict. To indicate the divergence of opinion, she read excerpts from responses to the committee's proposed policy. She urged that the policy be adopted so that the issue can, at least for the present, be put to rest.

Professor Michel Oksenberg, also a member of the Research Policies Committee, recalled the seizure of his office building in 1970 by those who considered the work of his colleagues in literature and Han dynasty studies immoral. He defended those colleagues then, and now he spoke again to protect the minority. He recalled numerous past infringements of academic freedom, from McCarthy (whom he called the precursor of our Roger Kerson) to totalitarian regimes in Germany, the Soviet Union, and China. Some of the darkest moments of academic history have occurred when a self-righteous portion of the academic community trampled on their colleagues' freedoms; history has often proven the judgements of the political zealots wrong. Academics are too often timid in defense of a university's essential values. Those values are liberty and community. The former leads him to prefer no restrictions at all non-classified research; the University's commitment to academic freedom must be so deep as to permit intrusions only in the most unusual circumstances. Yet, no value is absolute, and he understands and respects the concern of those troubled by inadequate attention to social issues while the defense budget grows. The consensus of our community is that the primary purpose of research should not be to harm human beings. Beyond this, there is deep division. He was willing to make this consensus binding but not to go one step further. He trusts his colleagues to abide by the standards the community sets, just as he trusts students to abide by the honor code and colleagues to observe the conflict-of-interest regulations. He trusts the Assembly will exhibit the wisdom to withstand the pressures of the moment and defend the integrity of the University.

Professor Rucknagel took up Professor Kaplan's example to indicate that one could circumvent restrictions on the primary purpose of research by simply listing objectionable purposes last. Professor Kaplan said that this was not his point at all; even the last purpose listed would be primary because it is being supported.

Professor Comninou said that the Assembly was taking itself too seriously. The primary purpose of research is knowledge for its own sake, the second purpose is vanity, and the third purpose is financial; no one will write that his first purpose is to kill. The problem lies with the purpose of the sponsor, not of the researcher; it would be more straightforward to just reject Defense Department research. A typical researcher does defense research not because he likes the military but because support is available. I send the same proposals to the Defense Department and the National Science Foundation; their program directors flip a coin to decide who funds it. The wording "foreseeable and probable" carries the arrogant implication that one can predict the results of research; that is hard enough for the researcher to do (and convince his sponsor).

Professor Cooper said that he prefers a stronger resolution and therefore supports Professor Hollinger's amendment.

Professor Briggs said that minor differences in wording are unimportant as they will be interpreted by reviewers in any case. He preferred "primary" as being simpler and certainly adequate.

Professor Hollinger acknowledged the role of reviewers' judgements but preferred "substantial" as closer to the old policy; "primary" weakens the policy. He added that, to remove all restrictions, the Assembly would have to rescind what it passed last April, with only one dissent, on the recommendation of the Research Policies Committee, which looked at the wording only when enforcement loomed.

Professor Hollinger's amendment was put to a vote and carried, 33 to 22.

Professor Thornton moved to insert "permanently" before "incapacitate." He explained that, in situations where the use of force is threatened, it is good to have means to temporarily incapacitate rather than kill, so research on such means should be encouraged, not prohibited. The amendment was seconded. Professor Weisfeld asked what the time limit is on "temporary"; Professor Thornton replied that the amendment was only the word "permanent" so the question of time doesn't arise, and Professor Kahn added that "permanent" is used, e.g., in reference to permanent disability in the Social Security Law.

Professor Radine suggested substituting "harm" for "incapacitate." Professor Thornton said he would accept "maim" as a substitute. Professor Deniston asked why the Research Policies Committee preferred "incapacitate." Professor Moyers replied that "maim" would be acceptable if it refers to physical damage.

Professor Thornton withdrew his amendment and proposed a new one: to substitute "maim" for "incapacitate." There was a second.

Professor Senior asked for a definition of "maim"; would it be all right to harm people as long as you don't slice off arms or legs? No definition was offered. Professor Senior said that the committee had spent much time choosing the wording; changes are likely to make the policy unclear.

The amendment was put to a vote and defeated, 23 to 28.

Professor Thornton re-introduced the amendment to insert "permanently" before "incapacitate." It was seconded, put to a vote, and carried, 37 to 14.

After a review of the parliamentary situation, Professor Moyers said that the amendments were friendly ones, accepted by the committee, and did not substantively alter the resolution. Therefore, substituting the amended policy for the one adopted last April should require only a majority vote, just as if there had been no amendments. After consulting the parliamentarian, the chair agreed. Professor Bailey appealed this ruling, saying that the rules shouldn't be changed in mid-debate. Professor Cooper added that he had withdrawn point of order on the basis of an assurance that, if the policy were amended, a two-thirds vote would be needed to substitute it for the previous policy. The ruling of the chair was upheld on a vote of 33 to 21.

Professor Cooper said that the amendments had made a weak but well thought out policy statement less clear. Major policy statements shouldn't be written from the floor of the Assembly. He urged rejection of the resolution; this would retain the policy adopted last year with only one dissent. He quoted the Research Policies Committee's rationale for that policy and said that there has not been a dramatic change in the moral climate since then, only in the financial situation. Last year's policy statement is the only moral statement a world-class university can support.

Professor Kahn said that he gets no money for research and has no financial stake in this decision; his concern is academic freedom. As for last year's nearly unanimous vote, even the Supreme Court reverses itself, and we occasionally learn more. Morality should not be decided centrally by the institution but by individuals.

A motion to stop debate was made, seconded, and carried overwhelmingly.

The motion to substitute Part I of the Research Policies Committee's resolution, as amended, for the policy statement adopted last April was put to a vote and carried 39 to 16.

Professor Hildebrandt explained that Part I, as amended, had become the main motion. If it is accepted, it becomes policy; if it is rejected we have no policy. Professor Janecke pointed out that in the latter case Part II becomes moot. After some more discussion of the parliamentary situation, a motion to stop debate was made, seconded, and carried overwhelmingly. The vote on Part I, as amended, was 40 in favor, 14 opposed.

#### DISCUSSION PART II

Professor Kaplan asked about Professor Moyers's statement that the policy applies to all research, whether funded or not; how can one police unfunded research. Professor Moyers said that the inclusion of unfunded research was an assumption on his part, not mentioned in the committee's report, and may have been out of place.

Professor Radine suggested, that, in view of the lateness of the hour, debate on Part II be deferred to next month. Professor Janecke pointed out that one third of the Assembly would be replaced by newly elected members next month. Professor Bailey moved to defer consideration of Part II to April; the motion was seconded. Professor Hilbert noted that, despite the hour, attendance was still better than at most Assembly meetings. He and Professors Barritt and Dahl opposed deferring the debate. Professor Bailey's motion was put to a vote and defeated overwhelmingly.

Professor Rucknagel asked about the status of the substitute motion introduced by Professor Crowfoot last April. Professor Bishop replied that it is not under discussion; it was referred to the Research Policies Committee, which returned a different proposal.

In reply to a question from Professor Simon, Professor Bishop said that the present enforcement procedure, which would remain in effect if Part II is defeated,

is that proposals require the approval of the department chair, dean, and vice president for research.

Professor Briggs spoke in favor of the resolution. He said that the short time between agency requests for proposals and the submission deadline requires prompt action and that the appropriate place for review is in the peer organization. He emphasized the importance of the right to appeal. He reported that DRDA Director Lesch was willing to make a file of all proposals (including abstracts) available; anyone suspecting impropriety could later get the full proposal and appeal to the Research Policies Committee.

Professor Janecke questioned the need for additional control. Chairmen, deans, and the vice president are competent to enforce guidelines. He presented petitions from members of the Physics and Astronomy Departments (supported by the chairmen of Chemistry and Geological Sciences) objecting to the imposition of a new oversight committees. He proposed amending the resolution by deleting parts (c), (d), and (e) and inserting in their place "(c) The present review mechanism is adequate and appropriate for review of unclassified proposals, but the responsible parties should be reminded of their responsibilities in light of the provisions listed in the above policy."

Professor Rucknagel opposed the amendment because of the question of trust on a divided campus. What if the chair or dean is proposing the research? He favors judgement by peers with the necessary expertise, but he would want the review committees to include people from outside the unit.

Professor Beck asked whether the new version of (c) doesn't merely repeat (b). At his suggestion, Professor Janecke withdrew his amendment and moved instead to delete parts (c), (d), and (e); this motion was seconded.

Professor Browne spoke against the amendment, saying that the committee had proposed about as weak a form of review as the Assembly should endorse. It doesn't require a committee, just a procedure, and it doesn't look distrustful.

Professor Easley also spoke against the amendment, and in favor of Professor Rucknagel's suggestion to include outsiders on review committees. She cited the institutional review boards (IRB's) as a model for a review mechanism, and said that the question was not one of trust but one of objectivity.

Professor Martin endorsed (c), (d), and (e) as a nice compromise between central oversight and no controls.

Professor Simon recalled that the reason for tightening the language in Part I had been to facilitate enforcement.

Professor Radine suggested that the IRB's could serve as the review committees; Professor Bishop noted that IRB's exist only in some schools.

Professor Keren asked whether proposals would have to be reviewed prior to submission. Professor Moyers replied that the policy doesn't say; each unit could



decide what is appropriate.

Professor Pollock said that no Assembly action could prevent administrators from adding new procedures; they are good at it and should not be encouraged. He therefore favored the amendment.

The amendment was put to a vote and defeated, 35 to 16.

Professor Rucknagel moved to substitute for (c) and (d) the following:

- (c) Each school, college, center, institute or other unit conducting research will set up a committee to establish guidelines for compliance with the above policy or will delegate this responsibility to another unit's committee. These committees will suggest which categories of research and/or funding sources are appropriate or inappropriate for review under these guidelines. These procedures shall be approved or amended by the Research Policies Committee.

Each committee will have, in addition to faculty members from the relevant unit(s), at least one faculty member from outside that unit or discipline appointed by SACUA, and one student chosen by MSA.

Any investigator or any member of a review committee who disagrees with the majority decision (positive or negative) on an individual research proposal may appeal that decision to the University Research Policies Committee for review.

- (d) Each review committee will report annually to the University Research Policies Committee, which in turn will apprise the Senate Assembly of compliance with the policy and of any problems which may have arisen.

He explained that, although local expertise is needed, the committees should contain faculty from outside the unit. Units with few research proposals could delegate the reviewing duty to other units.

Professor Blass noted that the first paragraph of the new (c) does not say that the committees shall review individual projects but the last paragraph of (c) presupposes that they will. Professor Rucknagel replied that it was his intention that they will.

Professor Moyers questioned the provision for using funding sources as a criterion for reviews. He once had Defense Department support for research on the kinesiology of the mandibular joint; would this be rejected? Professor Rucknagel said that he did not want to proscribe Defense Department research but only to winnow down the number of proposals by not reviewing those with which no one could quarrel.

Mr. Kevin O'Connor, a member of the Research Policies Committee said that the amendment implies that not only individual researchers but also their units are untrustworthy. He would prefer a student member from the unit to one appointed by MSA. He noted that the Research Policies Committee could easily be overloaded with appeals.

Professor Browne also questioned the need for MSA appointees on the committees, and he did not want to impose on SACUA the task of making more appointments than it already does.

Professor Sichel, a member of the Research Policies Committee, said that the amendment lacked the spirit of compromise that the committee had worked to achieve. He added that units with different sorts of research need different review mechanisms.

Professor Barritt said that he supports the committee's compromise. He added, however, that the "unwarranted intrusion into academic freedom," which a letter from the Engineering College attributes to stronger review mechanisms, is precisely what the budget review is doing to the Education School. The faculty is told not only to cut but where to cut. Engineers should bring their philosophy to the vice president for academic affairs. Professor Bishop said that the outcome of the review is not yet decided.

Professor Rucknagel's amendment was put to a vote and defeated, 42 to 5.

Professor Thornton asked whether the committee mentioned in paragraph (d) of the resolution was to certify the adequacy of each unit's procedure once or whether it was to reconsider the matter every year. Professor Moyers replied that his committee had intentionally omitted details. The administration has experience in this sort of thing, and the committee just wanted continuous monitoring of the procedures. Professor Thornton said that, although he approved of monitoring the procedures once, he did not want yearly re-appraisals until the University's charter expires. He was also uneasy about creating a committee with all details to be left to the administration. He proposed adding to paragraph (d) the clause "but such committee shall not be a continuing or permanent body"; there was no second for this amendment.

Professor Pollock asked about the legal status of Part II if passed by the Assembly. Professors Bishop and Moyers said it would be a recommendation to the administration, which is responsible for the even application of the policy. Professor Pollock said that in that case the Assembly should refrain from establishing procedures and let the administration do the job.

A motion to stop debate was made, seconded, and passed overwhelmingly.

Part II of the Research Policies Committees's resolution was put to a vote and carried, 35 to 11.

NEW BUSINESS

Professor Bishop used the occasion of his last meeting as Assembly chair to express his pleasure in having served as chair, his conviction that the faculty has channels of communication with the Administration through Assembly committees, and his thanks to all who have served on the Assembly and its committees and especially Professors Browne and Senior who are completing their SACUA terms and Judith Nowack, Executive Assistant to SACUA. He urged Assembly members to continue their involvement in the Assembly and committee system in this time of downsizing and other stresses.

Professor Hildebrandt introduced a resolution of gratitude for Professor Bishop's work as Assembly chair. In view of the lateness of the hour, he did not read the resolution but summarized it as "Ron is a good fellow." The Assembly responded with a round of applause for Professor Bishop.

The resolution, incorporated here at Professor Hildebrandt's request, reads:

Mr. Chairman, on this your last meeting as head of this Assembly, I should like to pause and offer a statement and follow that with a brief request of the Assembly.

Without doubt few in this group only generally know of those things accomplished by the current chairman of this Assembly. While he weekly chairs the meeting of SACUA, he also attends innumerable meetings; he hears the comments and suggestions of professional colleagues; he listens, he responds to questions and queries --- all in good humor, good sense, and in a spirit of high rationality. In short, he is a professor for all, in all seasons; he is a leader, a diplomat, a listener to many points of view, a gentleman of the highest rank.

Thus, it is with pleasure that I recommend to this Assembly that we offer our gratitude for the work done by Dr. Ronald Bishop. We offer our thanks, our appreciation, our respect for the effort and work accomplished this past year, and the many years preceeding as a member of this body.

A fitting show of support for Dr. Bishop is our applause and warm commendation.

ADJOURNMENT

The meeting was adjourned at 6:30 p.m.

Respectfully submitted,

*Andreas Blass*  
Andreas R. Blass  
Senate Secretary