

THE UNIVERSITY OF MICHIGAN

SENATE ASSEMBLY

Minutes of the Regular Assembly Meeting, April 15, 1974

ATTENDANCE

Present: Allen, Anton, Baublis, Brockway, Browder, Brown, Caldwell, Cartwright, Cohen, Crawford, Danielson, DeKornfeld, Dernberger, Deskins, Eisley, Evaldson, Floyd, Goldman, Hoffman, Horsley, Hymans, Ilie, Jameson, Johnson, Kachaturoff, Kaplan, Kell, Lands, Lehmann, Livermore, Lloyd, Loomis, Borkin, Magrill, Mohler, Murphey, Nesbitt, Oberman, Ostrand, Rowe, Seligson, Soucek, Terwilliger, Van der Voo, Vaughn, Weeks, Williams, Wilson, Cornell, Goodman, Kincaid, Hildebrandt

Absent: Adams, Berki, Bishop, Cassidy, Cosand, Creeth, Fader, Falls, Flynn, Gikas, Harrison, Iglehart, Kelsey, Kerr, Kish, Kline, Krachenberg, Leonard, Schmickel, Scott, Sibley, Springer, Vander

Guests: Vice-President Allan F. Smith
Frizell Vaughan, Chairman, Senate Advisory Review Committee

CALL TO
ORDER

Chairman Goodman called the meeting to order at 3:20 p.m. welcoming the new members of the Assembly, who took their seats at this time.

SUGGESTED
CHANGE OF
AGENDA

It had been decided at a spring meeting of the Assembly that, along with the institution of a change in the nominating procedure, newly elected members of the Assembly would assume their seats at the beginning of the April meeting. One of the purposes of this change in timing was to allow a little more familiarity with the operation of the Assembly and the individuals involved prior to asking new members to participate in voting for SACUA members. Thus Chairman Goodman suggested that it might be advisable to move the election of SACUA members to a later place on the agenda rather than have it be the first item of business. His suggestion met with approval.

REPORT OF
AD HOC
COMMITTEE
ON INSTRU-
TIONAL
MATERIAL
ROYALTIES

Asked to discuss the report of his ad hoc Committee on Instructional Material Royalties, Professor Goldman noted that the matter of professors' use of their own textbooks in their classes had first been raised by the Michigan Daily. By way of getting some perspective on the issues, the committee circulated a questionnaire to department heads for the purpose of collecting data and seeking opinions. By and large, the respondents did not regard the problem as sufficiently serious to warrant University intervention.

Two kinds of University intervention, however, are possible. Professors could be prohibited from assigning their own texts in courses they teach or, there could be a stipulation that any royalties involved would be turned over to some fund for benefit of University students. The committee opposed both of these measures. It is an instructor's right, the committee said, to assign the texts felt to be most suitable--a decision he or she was in the best position to render. No restrictions that threaten academic freedom, the committee argued, should be considered, nor did the committee feel that the conflict of interest or the question of "unseemliness" was serious enough to require faculty members to rebate their royalties.

On the other hand, the committee took special note of cases in which a faculty member acts as coordinator for a large multi-sectioned course taught primarily or exclusively by Teaching Assistants. In such an instance, the committee felt it improper to have the coordinating faculty member exert undue influence in the selection of the course text.

At this point Professor Loomis, while expressing appreciation of the committee's efforts, moved a resolution proposed by him and Professor Kerr, and seconded by Professor Allen, as follows:

RESOLUTION

"Resolved, that the Assembly endorse the principle that faculty members not profit financially from assigning their own books to their classes, although they should be free to assign their own books to their classes."

In so doing he suggested, only half facetiously, that the date at which such a resolution, if adopted, would go into effect would be that date on which the University approves full cost-of-living and merit increases.

The resolution was greeted with mixed reactions, Professor Evaldson, for example, seeing it as somewhat demeaning in character, with Professor Cohen viewing it as somewhat dissonant with the spirit of the report, though not inconsistent with its conclusions. One further implication was that the resolution, if adopted, would call for some action (the mechanism for which would need to be spelled out), while the committee report itself did not.

In further discussion a number of contrasting views were aired. Professor Anton failed to see the resolution as demeaning, feeling instead that it represented no more than a statement of principle. To Professor Hymans, however, it smacked of a prohibition, was in conflict with the committee report, and took no account of such distinctions as assigning a course text versus having this text as one of a series of readings assigned in a seminar.

RESOLUTION
DEFEATED

Cautioning against taking the resolution too lightly, Professor Kaplan stressed the fact that there was indeed a principle at issue, especially since he doubted that the monies involved were as small as one might be led to believe. To Professor Lands, the amount involved was less the issue than was the appropriateness and merit of the text assigned. Such assignment, he asserted, should remain the prerogative of the instructor, noting also that there are various checks and balances in the system, and suggesting that Section 4 of the report ("Conclusion") be circulated to the faculty. In a vote taken at this point, the Kerr/Loomis resolution was defeated (14 for, 28 against), whereupon Professor Cohen presented a motion, which was seconded, that the Assembly adopt the report of the ad hoc committee. Professor Goldman reminded the Assembly that the last paragraph of page 5 of the report did contain a caveat (in the case of multi-sectioned courses), and in response to Professor Lands' question as to whether departments were expected to intercede in such cases, he suggested that they refrain, where possible, from asking a faculty member to serve as coordinator of such courses when his or her text would be a prime candidate for adoption.

REPORT
ADOPTED

The Assembly thereupon voted to adopt the report of the ad hoc Committee on Instructional Material Royalties.

RETIREMENT
PROPOSALS

On invitation from Chairman Goodman, Professor Johnson discussed the steps that had led up to the retirement proposals now before the Assembly, as outlined in a memo of March 11, 1974 from Vice-President Smith.

Presumably they accomplished the objectives of both the University administration, interested in having more faculty members retire at an earlier age, and the Committee on the Economic Status of the Faculty, which emphasized accomplishing such turnover by expanding the retirement options.

Aside from a bit of clarification requested by Professor Brockway with respect to one passage, the proposals seemed straightforward. As Professor Johnson indicated, the executive officers were not now pressing for a lowering of the present mandatory retirement age, which remains at 70, and general agreement has been reached on the other issues. While the so-called "sweetener", recommended by CESF to make retirement at age 62 even more attractive, is not part of the present package, Professor Johnson noted that the highlight of the proposals is the option of being able to retire at age 62 with benefit of a furlough year.

ENDORSEMENT

Professor Loomis' motion, which was seconded, that the Assembly add its endorsement to that of CESF as the present proposals go to the Regents, was approved unanimously.

ELECTION OF
SACUA
MEMBERS

In replacing members of SACUA whose terms had expired (Professors Danielson, Kerr, and Lloyd), the Assembly elected Professors Harold Johnson, William Lands, and Brymer Williams.

CHARTER OF
SENATE
ADVISORY
REVIEW
COMMITTEE

With Vice-President Smith and Professor Vaughan, SARC chairman, as guests, Chairman Goodman reviewed for the Assembly, and especially its new members, the present status of efforts to amend the charter of SARC. In so doing, he recognized the fact that the new members might feel insufficiently conversant with the issues at this point, hence assured them that the Assembly was not being pressed to take action at the present meeting, especially since the materials distributed just prior to its commencement had not been seen previously.

The problem, as Chairman Goodman pointed out, involved one of jurisdiction. It is clear in any case that a member of the Senate has access to SARC if the aggrieved can establish that due process has not been accorded him or her in the course of the appeals procedure. What needs now to be decided is whether under normal circumstances a grievant should at some point have access to SARC even when ". . . the subject matter of the complaint or protest has already been presented to the whole faculty of the unit and properly disposed of" (as the present, recently amended, charter of SARC now reads). Aside from the need to define the term "unit," there is, then, the question as to whether appeal to SARC should be denied under any circumstances.

Chairman Goodman indicated that of the three proposals that had been suggested, SARC had a clear preference for the first (with Proposal #3 as its next choice and Proposal #2 as least desired). He noted, too, that Proposal #1 was similar to the motion presented by Professor Lehmann two months ago, but hoped that the Assembly could consider all three proposals before it, rather than become unduly concerned with parliamentary technicalities.

Professor Cartwright expressed concern over the fact that, if every matter could be brought to SARC, the decision reached by a School or College would seem to be of little consequence. A related concern, voiced by Professor Kaplan, dealt with what seemed some circularity in the process, that is, that a given grievance might oscillate between SARC and a School or College. In this connection Professor Mohler reminded the Assembly that at its meeting of February 18, 1974 it had already amended a section of the SARC charter, an action that in his opinion had dealt satisfactorily with the issues under discussion. Not quite, according to Professor Vaughan, unless the Assembly were now to adopt Proposal #1; otherwise there still remained the problem of defining the term "unit," as used in the SARC charter.

At this point Professor Lehmann moved the adoption of Proposal #1, a motion seconded by Professor Johnson, whereupon the chair, with the assistance of Parliamentarian Hildebrandt, ruled that approval of the motion would require a vote of 2/3 of those present, inasmuch as it amounted to amending a previous action on a matter that had not been announced in advance. The same 2/3 margin, it was ruled, would apply to action on any of the three proposals. As Professor Hymans saw it, there was an important substantive difference between Proposal #1, on the one hand, and Proposals #2 and 3, and there seemed nothing to prevent the Assembly from simply defining "unit." The possibility of continuing as a quasi-committee-of-the-whole was raised by Chairman Goodman, but Professor Browder, for one, indicated that, as a new member of the Assembly, he did not feel prepared at this time to discuss the somewhat involved document which he had not seen previously.

Invited by Chairman Goodman to present his views, Vice-President Smith stressed the fact that the primary concern of the central administration was to assure itself that grievance procedures were made known to all and properly followed. While he had no personal interest in the matter, he would argue for Proposal #2 over Proposals #1 and 3. He saw no reason to have SARC review anew a grievance that had been properly adjudicated at the School or College level. The February action of the Assembly, he felt, was well taken, being intended to insure that no procedural deficiencies had existed in the review process. To go beyond this, allowing everyone an appeal to SARC, would in his opinion result in a "spinning of wheels."

The February action had seemed suitable to Professor Lands as well, though he had understood that the Assembly was to give further consideration to the definition of "unit," something which, as he pointed out, Proposal #1 did not address. In offering to withdraw his motion, so that the matter could be held over till the next meeting, Professor Lehmann pointed out that he did not share Vice-President Smith's concern over the spinning of wheels if grievances were to go beyond the unit level. Professor Brockway, appalled at the idea of having such issues as promotion to tenure discussed by a whole faculty, saw Proposal #1 as in order, with SARC regarded as a representative body equipped to deal with such issues.

In response to some of the previous discussion, Professor Vaughan, current chairman of SARC, emphasized that the only purpose of the proposed changes was to insure every grievant a fair hearing. SARC was not asking that the jurisdiction of units (however defined) be changed but rather that no one be denied the right to appeal to a body external to the unit. Several units (LSA, Medicine, Social Work, Architecture and Design), he noted, have recourse to SARC built into their appeals procedures. Furthermore, he reminded the Assembly, SARC is basically an advisory body.

FURTHER
DISCUSSION
POSTPONED

These remarks struck Professor Hymans as entirely consistent with Proposal #2, while Professor Lands reiterated the need to give SARC a clear mandate to insure that unit procedures in any case have been fair and proper. At this point a motion by Professor Oberman, seconded by Professor Allen, that discussion of all three proposals be postponed till the next session was approved.

NOMINATIONS
AND
APPOINTMENTS

On nomination by SACUA, Professors John Powers and Morris Foster were approved for two-year terms on the Office of Student Services Policy Board.

NEW
BUSINESS

At the suggestion of Professor Kaplan, the Assembly endorsed the mailing to the Senate of a flyer describing the purposes and activities of the Association of Michigan Collegiate Faculties.

So that a proposal by Professors Lloyd and Kerr could be considered at the next meeting, Chairman Goodman read their letter which termed limiting of the number of SACUA members to be elected from any particular School or College a restrictive provision and urged reconsideration of the matter by the Assembly.

OUTGOING
CHAIRMAN

Speaking on behalf of SACUA and the Assembly, Professor Anton expressed thanks to Professor Goodman for the diligence and sensitivity with which he had served as chairman of both bodies. The members of the Assembly responded with a standing vote of appreciation.

Erasmus L. Hoch
Secretary