

THE UNIVERSITY OF MICHIGAN

SENATE ASSEMBLY

Minutes of Regular Meeting, April 16, 1979

ATTENDANCE

Present: Ackley, Barnett, Bowker, Berg, D.B.Brown, D.R.Brown, M. Brown, R.Browne, Burckhalter, Caldwell, Cohen, Cooper, Corpron, Dabich, Dingle, Fearn, Fowler, Flener, Friedman, Frost, Gabrielson, Gay, George, Gordon, Gray, Hinerman, Holland, Hungerman, P.Jones, Koran, Lindberg, McClendon, Millard, Nagy, Naylor, Parkinson, Porter, Portman, L.Powers, Romani, Rowe, Saxonhouse, Scarse, Senior, Trojan, Vinter, J.White, N. White, L.Jones, Leary.

Absent: Abdel-Massih, Bishop, Dixon, Eckert, Gull, Hildebrand, G.Jones, Kirkpatrick, Lynch-Sauer, Lyon, Mosley, Nisbett, W. Powers, Pozanski, Rush, Tonsor, Verhey, Wynne.

MINUTES

The minutes of March 19 were accepted.

ANNOUNCE-
MENTS

There were no announcements.

FACULTY
COMMITTEE
ON THE
PRESIDENCY

Report by Harold Johnson, Chairman, Faculty Chairman on the Presidency.

Professor Johnson said that his committee had been working regularly and expeditiously. It hopes to conclude in the not too distant future. He reported that the committee has had frequent and candid exchanges with the Regents. There were no questions from the Assembly.

ELECTION OF
NEW MEMBERS
TO SACUA

Chairman Livermore called attention to two errors on the nomination sheet: 1) Mary George is a representative of Library Science, not LSA; and 2) the name of Professor Janice Lindberg, Nursing, had been omitted from the list of continuing members. He then explained the procedure of weighted voting. The candidates were Professors John Romani, Public Health; Bruce Friedman, Medicine; William Porter, LSA; Hugh Cooper, Music; Mary George, Library Science; and Morton Brown, LSA. Romani, Friedman, and Brown were elected. [Later, SACUA met to choose its leadership for '79-'80. Professor Richard Corpron, Dentistry was elected Chairman, and Professor Arch Naylor, Engineering, Vice Chairman.]

PROGRAM
DISCONTIN-
UANCE

Chairman Livermore reviewed a SACUA statement on program discontinuance that had been distributed to Assembly members. It described the recent history of the issue in the Assembly, and outlined a case that might be presented to the Regents. It concluded by asking Assembly advice on four questions:

1. Shall SACUA plan to present the case, outlined above, to the May meeting of the Board of Regents?
2. Shall SACUA bring the complete written argument it intends to offer the Regents before the Assembly in May?
3. Shall SACUA take steps to invite discussion of the issue by the governing faculties of schools and colleges before taking it to the Board of Regents?
4. Are there other major arguments or pieces of evidence that SACUA should develop before proceeding as above?

Professor Livermore reported that several conversations had been held with Vice President Shapiro over the last month, and a number of alternatives discussed--including the possibility of asking the Regents to repeal the Guidelines in toto and hence return to the language of the Regents' Bylaws for guidance in discontinuing programs. That alternative seemed very attractive, but it has so far proved impracticable. The Executive Officers, for example, will not recommend it. Chairman Livermore also reported that Vice President Shapiro made available the formal responses of five Deans and Executive Committees to his queries about the acceptability of faculty consent as indispensable to program discontinuance--i.e. the position taken by the Assembly in June, 1978. All five disapproved of the Assembly action. Informal responses gathered from three other schools were less unequivocally opposed. The Assembly was then asked for its comments and suggestions.

Professor Cooper spoke first. He said that his original amendment has been misconstrued as a request for the power of veto. In fact that was not his intention. He had intended only that the faculty should have a formal input into the process. He said he would be willing to alter the language of the amendment so as to assuage administrative fears while assuring that the faculty voice would be formally heard.

Chairman Livermore asked Professor Cooper for his new language. Mr. Cooper then read a statement for incorporation into the second paragraph of the section entitled "Recommended Procedures" of the Program Discontinuance Guidelines.

"The recommendations for closure of a program should emanate from the Dean/and/or the Executive Committee, following prior faculty consultation and after the Governing Faculty of the appropriate school or college has met and formally expressed its views regarding the contemplated discontinuance. Such Governing Faculty action shall be duly noted and formally conveyed to the Vice President for Academic Affairs and the Board of Regents as an integral part of the closure packet."

Professor Friedman said that it would probably be worth it to see if the new language is acceptable to the Executive Officers. In

any event, he urged further study of the issue by SACUA. He saw no reason to rush to the Regents.

Professor Cooper agreed with Professor Friedman, but Professor Barnett asked for clarification. He wondered what we are to conclude about faculty rights to effect change in educational policy. Professor Cooper replied that the 1977 Guidelines speak only of consultation, which seemed to him vague. His amendment was intended to guarantee a faculty expression of views. Professor Barnett, however, went on. He had hoped, he said, for a wider discussion of the issue, one that would take place in the various schools and colleges, as well as in the Assembly.

Professor Romani said that the primary concern of the Public Health faculty two years ago was the inadequacy of the consultation process. The new language introduced by Professor Cooper, he said, reflects what he believes to be common practice today.

Professor M. Brown said he wanted to answer for himself the four questions posed by the SACUA statement. To the first two questions, calling for SACUA to present a complete case to (1) the Regents or (2) the Assembly in May, his response was negative. To the third and fourth questions, calling for (3) further discussion in the schools and colleges and (4) the discovery of other major arguments or pieces of evidence, he was strongly affirmative. He thought we needed to explore the reasons for opposition to the position that faculty consent be required for program discontinuance.

Professor Livermore then asked the Assembly for an advisory vote on the new language of Professor Cooper with the implication that, if it is acceptable, SACUA will explore the issue further with Vice President Shapiro.

Professor Gordon said that the new language invited deference to the central authority of the University by making the vote of the faculty purely advisory. Professor Friedman said he was not troubled by the advisory label. Professor Naylor said that he shared Gordon's misgivings, but would support delaying the presentation to the Regents for now. The Assembly then voted 32-2 to accept Professor Cooper's new language and to instruct SACUA to explore the issue further.

SARC

Professor Frederick Bartman, Chairman of SARC, was invited to report to the Assembly on an important addition to SARC procedures. Professor Bartman read a statement to be inserted into the SARC procedures and designed to improve the implementation of SARC recommendations.

The Senate Advisory Review Committee (SARC) represents the appeal of last resort for an aggrieved member of the faculty. Its members have become greatly concerned about the fact that SARC recommendations, when in support of the grievant, have seldom been implemented by deans and executive committees.

SARC recommendations, which are advisory, may be rejected by the administrative respondents, without accountability to the faculty, due to the strict confidentiality of the grievance appeal process.

SARC intends to adopt the following change in procedures in hope of improving implementation of its recommendations. It will amend its document "Senate Advisory Review Committee Outline of Hearing Procedures," April, 1977, as follows. On page 5, Section IV, part (B), the following will be added:

c) Additional Communications

Should SARC find its recommendations subsequently rejected by the dean and executive committee of the involved school or college, it may bring the matter to the attention of SACUA, making all information on the case, including confidential material, available to SACUA members (and SACUA members only). It is SARC's understanding that the matter may, at SACUA's option, be formally brought to the attention of the Vice President for Academic Affairs and the President of the University, with a formal response to SACUA being expected. It is further understood by SARC, that if SACUA finds this response unacceptable, it (SACUA) may bring the issue before the Senate Assembly for further consideration, discussion and possible action.

He pointed out that copies of SARC procedures are supplied to the grievant and the respondent when SARC accepts a case for a hearing.

Professor Livermore explained that the addition to the procedures is the result of many months of continual concern in both SACUA and the Assembly with the role and effectiveness of SARC. Much of the concern had been generated by a particular case, in which it has been particularly difficult to implement the unanimous recommendations of SARC. He proceeded to describe the case so that the Assembly might be apprised.

1. You have noticed considerable SARC and SACUA concern in the last several months about the consequence of SARC reports. Because there has been a recent development I want to tell you about a case that arose this year and which has been a major part of this general concern. SACUA's purpose is to bring these facts before the Assembly for information only.
2. A person in a department was told at the end of his fifth year in the department, and the second of a two-year reappointment, that he would have a one-year terminal appointment without opportunity to be evaluated by a customary tenure review committee. No statement was made that he was deficient in the three usual areas of

research, teaching and service.

3. His request for reversal was denied within the department and college. He appealed to SARC and a full hearing was held. SARC then unanimously recommended that a tenure review committee be appointed and that this course was indicated both by reasonable expectation and College rules and custom.
4. The Department and College turned down SARC's recommendation and SARC members consulted with SACUA.
5. After reading the SARC report and discussing the case at length with members of SARC, SACUA decided to ask that President Smith and Vice President Shapiro look into the case.
6. These officers consulted with authorities in the College and the Dean then asked the Department to reconsider the matter, after seeking professional appraisal of the person's scholarly work from outside the Department. This was in February of this year. The Department Chairman and the Department Executive Committee carried out these instructions and have just recently recommended to the Dean that its previous decision (that is to terminate in May of this year) be reaffirmed. It was a split vote, that is the Chairman and one member of the Executive Committee voted for this course of action. The other member of the Committee strongly dissented and recommended that a tenure review committee be appointed and another year's appointment be granted for this purpose.
7. SACUA convened a special meeting last Wednesday. There was agreement that to this point no substantial argument has yet been advanced under the three usual headings of research, teaching and service that the person has not performed in a way that generally warrants the assessment by a tenure review committee. Indeed, the new scholarly appraisals were distinctly favorable, including many favorable reviews of the person's published work. SACUA feels that if and when the general facts of this case become public that junior faculty members throughout the University could feel deeply threatened. SACUA accordingly instructed me to bring these concerns before the Dean of the College.
8. I met last Friday with the Dean. He said he intended to bring the Department's recommendation to his Executive Committee - he could not say when.
9. SACUA has directed me to make known to you the outline I have just made.
10. There are, of course, many important details that I cannot at this time include in my account. There are those who continue to believe that the Department's actions have been

acceptable under the rules and procedures of the Department and College.

Once again, I emphasize that the SARC report did not recommend promotion, only that a tenure review committee be appointed to consider credentials.

PRIVACY
GUIDELINES

Chairman Livermore then turned to the Privacy Guidelines, copies of which had been distributed to the Assembly with the call to the meeting. He explained that the document represented an amended version of one considered by the Assembly last year. Professor Hinerman moved its acceptance.

Professor Cooper said that he thought the issues of great enough importance to warrant a fuller debate than would be possible today. Professor M. Brown agreed, and moved to table the Hinerman motion.

The Assembly voted 39-2 to table the Privacy Guidelines.

OLD
BUSINESS

There was no old business.

Chairman Livermore then recognized Professor Corpron for some remarks.

REMARKS OF
PROFESSOR
CORPRON

Mr. Chairman, my request to speak is twofold. First, may I express the appreciation of the Assembly to our colleagues, Margaret Leary and Larry Jones, SACUA members for the past three years, for their wisdom and dedication which have contributed significantly to the preservation and improvement of faculty governance at this University.

Now Mr. Chairman, we come to you, and as you approach the end of your tenure as Chairman, with its rewards and burdens, and the ambivalence that you surely must feel, especially as you reflect on future issues facing the University, it is fitting that we take this opportunity to recognize your efforts in behalf of faculty governance. As chairman, you have exhibited a comportment during the performance of your duties befitting your office. We have witnessed your patience and eloquence, your wisdom and wit, and your controlled demeanor as you adroitly guided us through the affairs of the Senate Assembly and SACUA. You consistently have exhibited an appetite for debate of the issues, a respect for dissent, and a persistent sense of fair play. No issue or cause of interest to faculty has been too trivial for you to pursue, and your dedication to the improvement of the status of the faculty has not diminished your appreciation for the rights and needs of the students and staff of the University.

Shaw, as we approach the end of your year as Chairman of the

Senate Assembly, please accept our thanks for a job well done.

The Assembly heartily applauded Professor Corpron's remarks. Professor Livermore graciously thanked the Assembly for its support, and in turn, thanked the Administrative Associate, Olivia Birdsall, and the Senate Secretary, Earl Schulze, for their work.

ADJOURN-
MENT

The Assembly adjourned at 4:20 p.m.