

UNIVERSITY OF MICHIGAN

SENATE ASSEMBLY

Minutes of Regular Meeting of April 19, 1982

ATTENDANCE

Present: Aberbach, Barald, Carey, Barritt, Beck, Bishop, Blass, Brooks, Brown, Bulkley, Caffesse, Crowfoot, Cassidy, Dunnhaupt, Cooper, Courant, Crane, Dahl, Esteban, Fellin, Green, Hagen, Hilbert, Hildebrandt, Hollinger, Hultquist, Janecke, Kaplan, Kelsey, Keren, Knudsvig, Lockwood, Loup, Ludema, Maassab, Martin, Moerman, Froseth, Nagy, Cominou, Powell, Rae, Ringler, Rinne, Robinson, Root, Rucknagel, Senior, Simon, Smith, Stevenson, Tentler, Weiner, Whitehouse, Wieland, Young, Mosher

Absent: Bailey, Browne, Burdi, Carter, Danielson, Evans, Abdel-Massih, Grosse, Haddock, Hopwood, Kahn, Lawrence, Meyer, Morash, O'Meara, Regezi, Solomon, Easley

CALL TO ORDER

Professor Bishop, chairman, called the meeting to order at 3:16 p.m., welcomed the new members of the Senate Assembly, and introduced the members of SACUA. The minutes of the meeting of 15 March, 1982 were approved.

ANNOUNCEMENTS

1. SACUA will soon be making appointments to Assembly committees. Forms to be used for volunteering to serve or for nominating others were distributed to Assembly members.
2. A statement on the responsibilities of the alternate faculty representative to the Big Ten Conference was distributed with today's agenda. This statement is the result of the action of the Assembly in connection with the appointment of the alternate representative.
3. Professor Kaplan distributed copies of "News from the Lansing Scene."

REPORT OF THE TENURE COMMITTEE

Professor William Stebbins, chairman of the Tenure Committee, requested approval of his committee's report, which consists of two policy statements, "Appointments with tenure at the University of Michigan" and "Draft policy on dual appointments and tenure." Both statements had been distributed and discussed at the Assembly's March meeting. He said that the former is a complete statement, while the latter is only a beginning since it does not attack questions of part-time tenure.

Professor Green asked why one of the documents mentions funding sources as a criterion for tenure while the other does not. Professor Stebbins replied that it is assumed, in accordance with Regental Bylaws, that tenure applies only to general fund appointments. Professor Green said that, in the Medical School, much of the full-time faculty support is income from patient care, not the general fund. Mention of fund sources in tenure documents raises questions that he would prefer to avoid. Professor Ringler asked whether the dependence of tenure on the source of funds would permit the administration to destroy a person's tenure by moving him to a non-general fund account. Professor Stebbins said that this is not the intent of the Bylaws or of the Tenure Committee's statements.

Professor Crowfoot asked about the committee's position on existing appointments at variance with the policy on appointments with tenure. Professor Stebbins said that the committee opposes such appointments. Professor Bishop added that it was unclear whether the policy, if adopted, could be applied retroactively, giving people with the title "associate professor without tenure" but with more than seven years of service de facto tenure.

Professor Kaplan said that the AAUP supports the policy statements but feels they can be tightened up. He asked whether action on the report was requested for today. Professor Stebbins replied affirmatively, but added that the statement on dual appointments is viewed as only a beginning in attacking a series of interrelated problems. Later, in reply to a question from Professor Cooper, Professor Bishop repeated that the report is an interim one.

Professor Crane pointed out that the reference to the School of Architecture and Design in one of the statements should be to the School of Architecture and Urban Planning. The school's name was changed several years ago.

Professor Simon asked for clarification of the assertion, in the dual appointments policy, that salary fractions can be independent of effort fractions. He also asked whether the departments in which a person holds a dual appointment should set his salary independently

or jointly. To the second question, Professor Stebbins replied that the departments are encouraged to set the salary jointly. To the first, he replied that, if the two departments choose to give different raises in a particular year, it would not be necessary to change the effort percentages.

Professor Dunnhaupt asked about the committee's opinion on tenured assistant professors. He said there were seven of these in LSA, where departments had failed to make a promotion decision after seven years. Professor Stebbins said that de facto tenure should be avoided where possible; departments should make an "up or out" decision.

A motion by Professor Brown, seconded by Professor Barritt, to accept the Tenure Committee's report, passed unanimously.

#### REPORT OF THE RESEARCH POLICIES COMMITTEE

Professor Raymond Kahn, chairman of the Research Policies Committee, presented to the Assembly his committee's resolutions concerning the regental policy on classified research. The resolutions are:

1. The provisions of the Policies section of the Regental Policy on Classified Research should apply to all research at the University.
2. 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.

After summarizing the history of the issue addressed by these resolutions, Professor Kahn explained the reasons for the proposals. The intent of the first is to apply to all University research the fundamental ethical principle embodied in provision #3 of the Regental policy, prohibiting research "the clearly foreseeable and probable result of which, the direct application of which, or any specific purpose of which is to destroy human life or to incapacitate human beings." (The other provisions of the Regental policy already apply to all University research, except for #1 which refers directly to restrictions associated with classified work). The second resolution affirms that the current system, whereby the principal investigator, the department chairman, the dean or director, and the Vice President for Research review all proposals and certify compliance with University policies, is adequate for enforcing the policy contained in the first resolution. It was Professor Kahn's opinion that this system puts the responsibility for determining a

proposal's appropriateness exactly where it belongs and where the knowledge and expertise is greatest. A question about compliance with Regental Policy #3 could be added to the list of questions presently asked on every application for research support. The Research Policies Committee does not believe that any other review mechanism is needed or appropriate for non-classified proposals, nor should a specific committee be established to review all proposals (currently about 2400 per year) or just Department of Defense proposals (about 100 per year). Finally, Professor Kahn emphasized that, since academic freedom is fundamental to the existence of the University as a community of scholars, we must respect each other's research decisions, even if we philosophically oppose them, as long as they comply with the Regental Policy.

#### DISCUSSION

Professor Bishop suggested separating the two resolutions. In reply to a question from Professor Hollinger, Professor Kahn said that the committee's description of prohibited research, in its rationale for the first resolution, was intended as a paraphrase of the description in the Regental Policy, not as a suggestion of how that policy should be interpreted.

Professor Root made three separate statements. First, he disagreed with the opinion that a strong military force, and therefore any research aiding the military, are immoral. Second, he said that the Regents are responsible, not just to students and faculty, but to the citizens of Michigan. Regental policies without citizen support would be perceived unfavorably. Finally, he said that, although some military-sponsored research is basic, a more important question than "Is it basic research?" is "Is it good research?" University research should be challenging and innovative and should require substantial background.

In reply to questions from Professor Rucknagel, Professor Kahn outlined the present review process for unclassified research. He said that the resolutions would not affect the classified review process. Later, in reply to questions from Professor Hollinger and Professor Barritt, he said that the Classified Research Review Panel's primary responsibility is to ensure that publication is not improperly restricted but that it also checks for possible violations of the "human life" policy. It refers questionable proposals to the Vice President for Research who, if he is not certain of their propriety, takes them to the Research Policies Committee.

Professor Rucknagel asked whether information about research is to become less available. Professor Kahn replied negatively. The only restrictions being considered concern proprietary information,

that is, patentable ideas. Professor Rucknagel asked whether the Research Policies Committee had checked the accuracy of the extracts from work statements published by MSA researcher Bret Eynon. Professor Kahn replied that it had not, since the Vice President for Research had not referred these research projects to the committee. These projects had been reviewed by Vice President Overberger and Assistant Vice President Price. In response to Professor Nagy's remark that the Research Policies Committee can review issues for the Senate Assembly, not just for the Vice President for Research, and to Professor Crowfoot's questions whether Eynon's comments merit study by the committee, Professor Kahn repeated that the projects in question were reviewed by the Vice President and Assistant Vice President, and that neither they nor the Assembly nor SACUA referred them to his committee.

When Professor Cooper referred to the quote from Professor Kahn on the first page of Eynon's more recent report, Professor Kahn denied having made the statement attributed to him; what he did say is that Defense Department research money is increasing and faculty can apply for it. Professor Cooper asked whether anyone other than MSA has done an in-depth study of Defense Department research; Professor Kahn replied that Vice President Overberger and Assistant Vice President Price had done so. Professor Cooper remarked that this research seems inadequately policed. Professor Kahn asked what sort of policing would be appropriate; he said that he believes in the ethics of his colleagues.

Professor Hultquist said that the check-boxes on the current form 7679 have no implications, and he asked what effect the suggested new check-box on human-life policy compliance would have. Professor Kahn disagreed with the first statement, saying that the check-box on human subjects is used to route proposals to the Institutional Review Board, where 6 or 7 legal requirements are checked. The new check-box would lead to review by the Vice President for Research and possible referral to the Research Policies Committee. Professor Brown said that the present check-boxes are all controlled from outside the University, by federal law, but the new one would be internal to the University.

A motion by Professor Nagy, seconded by Professor Crowfoot, to approve the first resolution carried, with one dissenting vote. Professor Nagy then moved, and Professor Senior seconded, the second resolution.

Professor Crowfoot introduced the following substitute motion:

RESOLVED:

To further insure implementation of the policy that:

The University will not enter into or renew any agreement or contract, or accept any grant, the clearly foreseeable and probable result of which, the direct application of which, or any specific purpose of which, is to destroy human life or to incapacitate human beings.

A research review committee shall be established to review funded proposals for compliance with this policy prior to acceptance of funds by the University.

- (a) This committee will be composed of six persons chosen as follows: 4 members of the faculty elected by the Senate Assembly and two students elected by the Michigan Student Assembly.
- (b) This committee with staff assistance from the Office of the Vice President for Research will establish screening procedures to identify funded proposals requiring concentrated committee attention. Staff to this committee will assist the members in managing the review process and in gaining necessary background information on the proposed research and where relevant information concerning the mission and/or policies of the funding agency.
- (c) If all committee members concur that the proposal is in full compliance with the above policy, it will be regarded as cleared for administrative processing of the receipt of funds. If any committee member believes that there is a substantial question as to the proposal's compliance with this policy, the proposal shall be referred to the Senate Assembly Committee on Research Policies for review. Its evaluation as to compliance shall be transmitted in writing to the Vice President for Research prior to acceptance or rejection of project funding.
- (d) This committee and its staff shall submit an annual report to the Senate Assembly and Michigan Student Assembly summarizing its actions, describing problems encountered and where necessary suggesting policy and administrative changes or any other matters pertinent to carrying out its responsibility.

Professor Bulkley asked how many of the 100 proposals per year from the University to the Defense Department are actually funded. Professor Kahn did not know, but he cautioned against assuming a strong correlation between funding source and compliance with the

policy. It may be necessary, under the substitute motion, to review all 2400 proposals.

Professor Nagy said that a system that works should not be changed without reason. He said that for six months various groups (MSA, the Daily, the Ann Arbor News) have been looking, and he has seen no smoking gun.

Professor Rucknagel said that he saw a smoking gun in the MSA report on defense-related research. The integrity of the University requires a way to mediate disagreements concerning the gray areas between basic research and applications. The committee's proposal puts chairmen and deans under untenable pressures from their faculty. He urged that the policy be implemented in a way that inspires confidence.

Professor Kahn disagreed with Professor Rucknagel's statement about untenable pressures; he believes that the faculty is ethical. Furthermore, unethical behavior would quickly be exposed, since the other parts of the Regental Policy prohibit restraints on publication beyond one year. He added that the substitute motion, requiring review of all 2400 proposals, would be unworkable because of timing. He also expressed opposition to prior review of proposals, which treats everyone as suspect.

Professor Senior said that the MSA report is not accurate and he objected to the reference in the substitute motion to "the mission and/or policies of the funding agency." Part of the problem is that Defense Department sponsored research is presumed to be weapons-related; the MSA report contends that he (Senior) is working on a particular weapons project with which he actually has no contact. If one aspect of an agency's work is offensive, is all its research unacceptable?

Professor Crowfoot said that he had tried to take into account objections to the "mission and policies" clause by including the phrase "where relevant."

Professor Kaplan suggested trying the present system for a year or two and then reviewing it and tightening it if necessary.

In reply to a question from Professor Bulkley, Professor Crowfoot said that his substitute motion would involve a review, not of all proposals, but only of funded ones, and that these would be screened before reaching the new review committee.

Professor Rucknagel said first, that the Human Subjects Review Committee reviews proposals submitted contingent upon ultimate approval by the committee. A similar system set up to review the

compliance of research proposals with the Regents' policy would, therefore, not unduly delay research. Second, he does not believe all Defense Department research should be proscribed (for example, much research in viral epidemiology is supported by the Defense Department). Third, he believes that the Regents' Policy must not be implemented to the point of impeding basic physical science.

Professor Root said that the "mission and policies" clause is a euphemism for singling out the Defense Department.

Professor Martin said he saw only minor differences between the present review process and the one in the substitute motion. Professor Kahn again outlined both processes.

Professor Cooper said that he, and presumably others, had assumed that the first resolution extended not only the policy but also the review process for classified research to all research. He moved to postpone consideration of the second resolution and the substitute motion until the September meeting; his motion was seconded.

Professor Kahn said that, with the approval of the first resolution, all of us who propose research must comply with the Regental Policy. There remains a question of academic freedom; does the faculty need a policeman? Professor Crowfoot said that his substitute motion seeks, not a policeman, but a way of involving the wisdom of the community of scholars in these complex issues. Professor Root said that, if we start policing research, we must police all research. Professor Rucknagel said that we are policed all the time, for example by DRDA and the Human Use Committee. He supported Professor Crowfoot's motion and also the motion to postpone, in order to allow time for study and negotiation. Professor Nagy preferred to pass the second resolution and then, in the fall, discuss what sort of policing mechanism is appropriate.

Professor Loup asked if Professor Crowfoot had asked Vice President Overberger whether the staff support needed for his proposed review process was, at least potentially, available. Vice President Overberger, in the audience, answered negatively.

In reply to a question from Professor Keren, Professor Bishop said that the effect of a postponement would, during the summer, be the same as the effect of the second resolution: the policy is in effect but no new review mechanism is set up. Professor Cooper added that the maintenance of the current review mechanism would not, however, have explicit Assembly approval.

Professor Root asked what force the Assembly's action would have.

Professor Bishop said that it is the voice of the faculty advising the executive officers.

A motion by Professor Whitehouse, to close debate on the motion to postpone, carried by a vote of 43 to 5. The motion to postpone then carried on a vote of 33 to 15.

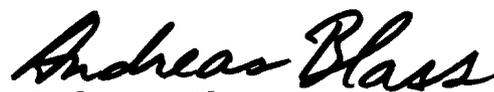
Professor Green pointed out that he had not seen the document by Bret Eynon (MSA researcher) that had been referred to in the debate. He asked that, if such a document is to be discussed, it be distributed to all Assembly members. Professor Nagy said it is impossible to distribute everything that might be discussed. Professor Ringler objected to having SACUA distribute material containing untrue statements. Professor Bishop said that the Eynon report was distributed by MSA, using the Assembly's membership list. Professor Hilbert suggested that SACUA discuss the problem, in particular the possibility of selective distributions to only part of the Assembly.

MSA President Jon Feiger asked to speak briefly, and a motion by Nagy, to permit him to do so, carried. Feiger began by apologizing to the Assembly members who did not receive the Eynon report; MSA tried to distribute it to the entire Assembly, and he himself delivered about half the copies. He also said that he was involved in the report's preparation and believes it to be carefully researched and accurate. He asked to be informed of any inaccurate quotations. Professor Senior said that he was quoted accurately but the inferences from the quotations were inaccurate.

#### ADJOURNMENT

The meeting was adjourned at 4:55 p.m.

Respectfully submitted,



Andreas Blass  
Senate Secretary