

THE UNIVERSITY OF MICHIGAN
SENATE ASSEMBLY

Minutes of Assembly Meeting, April 21, 1975

ATTENDANCE

Present: Professors Berki, Bishop, Pooley, Brown, Child, Cohen, B., Cornell, Corpron, Cosand, DeKornfeld, Dernberger, Gikas, Goldman, Gray, Guinn, Harris, Hildebrandt, Hoffman, Horsley, Ilie, Johnson, Jones, Kaplan, Kell, Kelsey, Leary, Lehmann, Lindberg, Livermore, Magrill, Millard, Nesbitt, Zitzewitz, Scott, Seger, Seligson, Sherman, Springer, Stross, Taren, Terwilliger, Van der Voo, Votaw, Weeks, Williams, Cohen, C., Hoch

Absent: Professors Adams, Baublis, Bornstein, Christensen, Crawford, Deskins, Eisley, Flynn, Kachaturoff, Kessler, Kish, G., Kish, L., Lands, Leonard, Lucchesi, Lytle, Mullen, Murphey, Schmickel, Meiland, Matejka, West, Wilson

Guests: Vice-President Pierpont, Professors Arthos and Tropman

CALL TO ORDER

The meeting was called to order by Chairman Cohen at 3:20 p.m.

APPROVAL OF
MINUTES

The minutes of the Assembly meeting of March 17, 1975 were approved.

ANNOUNCEMENTS

Following his suggestion that the sequence of agenda items be shuffled slightly, to which the Assembly readily agreed, Chairman Cohen made the following announcements:

a) At the Regents meeting of the preceding week he had registered the continuing concern of SACUA with the report of the Committee to Study Student Governance, reminding the Regents of the Assembly's resolution in this connection as well.

b) The Regents were likewise informed that the disruption of public meetings was of general concern and would be discussed by the Assembly at its meeting of April 21, 1975.

Apropos of the latter, members of the Assembly had before them two resolutions--one from the Civil Liberties Board, another from Professor Ilie--as well as the Yale University report of its Committee on Freedom of Expression, copies of which had been distributed at the meeting's opening.

DISCUSSION
WITH VICE-
PRESIDENT
PIERPONT

Chairman Cohen took pleasure in introducing Vice-President Pierpont as a staunch and far-seeing friend of the University with an intelligent concern for its welfare. The opportunity to hear from him at first hand about University building programs was acknowledged with appreciation. Thereupon, Mr. Pierpont proceeded to detail various aspects in a straightforward presentation of problems and progress.

While enrollment has remained relatively stable recently and is not expected to grow in the next few years, this has hardly been the situation in other areas affecting the building program, Vice-President Pierpont was quick to point out. A dormitory room costing \$2,000 in 1940, at 3% interest, now costs \$10,000, at double the interest. Wages have in some cases increased tenfold since 1940, while residence rates for students are only 3-1/2 times what they were then. Needless to say, the rate of inflation and related factors have had a serious impact on construction costs. Consequently, after 25 years of major building expansion, the University finds itself faced with these new circumstances.

Historically, Mr. Pierpont observed, the building program has been financed from the following sources: private donation and federal grants, state appropriations, revenues generated internally, and student fees. When one or another of these begins to dry up, there is a problem. Several such exigencies now exist. With the stock market in its present condition, for example, large gifts are less the order of the day than they once were. Too, though the State has lent a good deal of support in the past, prospects from that source are significantly dimmer, given the state of the Michigan economy. Federal support has likewise suffered a slowdown.

All things considered, Mr. Pierpont was nonetheless able to recite a respectable number of developments on the building scene. On central campus, for example, with enrollment stable, emphasis is being placed on the renovation of older buildings--the general library, the Architecture and Design building (to serve as a general purpose facility for the Department of Mathematics), and a section of the Clarence Cook Little building, among others. The major new facility to be constructed will be a Chemistry building, with a Public Policy building and Psychology building scheduled for the future.

In the medical complex an overriding concern is a new hospital, financed at the state level with some possible federal support, while a major development on north campus will be the eventual relocation of the engineering complex, thereby releasing the central campus East Engineering building for renovation and adaptation to other purposes. To this end an active gift solicitation program is in progress. Foreseen for the future on north campus also are a library building and construction of additional research-oriented facilities.

Enumerating developments that will take place in 1975-76, Vice-President Pierpont noted the expected completion of two recreation buildings, one on central campus, the other on north campus, the north campus Engineering College building, an addition to the Institute for Social Research, and a medical building on Wall Street (to deal with diseases of old age), as well as renovative work in the general library and the Economics, Business Administration, and Chemistry buildings. With benefit of the gift program, there is expected also a Center for the Study of Accounting as well as construction of additional facilities at the Biological Station on Douglas Lake.

Major needs at this time, Vice-President Pierpont added, are for library storage space (funds for which would have to be generated internally) and for

a central campus Fine Arts Department building. Office space represents another critical need and, in fact, purchase of the main building of St. Joseph's Hospital is under consideration as a means of providing needed administrative and office space for University physicians.

Having invited comments, Mr. Pierpont responded in turn to a variety of questions ranging from utility costs and parking structures to developments on the Flint and Dearborn campuses. It was clear that the University was attempting to deal with each situation as best it could under present circumstances. In the process, to the extent possible, funds not elsewhere available are generated internally, derived from three principal sources: student fees, indirect cost reimbursement on federal grants and contracts, and interest on income from investments.

The opportunity for this exchange of information was appreciated, and Chairman Cohen thanked Vice-President Pierpont for his analysis of the current and projected developments.

FACULTY
HANDBOOK

By way of apprising the Assembly of progress toward the issuance of the Faculty Handbook, Professors Tropman and Arthos had been invited to make such comments as they wished. Speaking as chairman of the Academic Affairs Committee, Professor Tropman stressed the immense effort Professor Arthos had invested in the project, noting also that Mr. Allmand and Professor Cohen had been helpful in facilitating its completion.

The Handbook is expected to be available in the fall. In answer to a question from Professor Bennett Cohen, it was pointed out that this edition will not contain a section dealing with librarians or primary researchers but will deal with faculty per se, though it may be issued in looseleaf format, making it easily adaptable to updating or revision on periodic review.

On behalf of the Assembly, Chairman Cohen thanked Professors Tropman and Arthos for their significant contributions to this important enterprise.

ELECTIONS
TO SACUA

In preparation for the elections to SACUA, Chairman Cohen expressed sincere appreciation for the dedicated service of the retiring members of the committee--Professors Anton, Goodman, and Loomis--whose places were now to be filled, noting also that the continuing members of the committee were, in addition to himself, Professors Gikas, Johnson, Lands, Magrill (in place of Sally Allen, on leave), and Williams. The Assembly was reminded, too, of the groundrules it had adopted at its earlier meeting, as noted in its minutes of March 17, 1975, since only one of the three members to be elected could be from the College of Literature, Science, and Arts.

There being no nominations from the floor, the Assembly voted on the slate of six nominees previously presented by the nominating committee--Professors Berki, Hoffman, Horsley, Kaplan, Lehmann, and Weeks--choosing three to fill the vacancies noted above. The votes having been counted, Chairman Cohen took pleasure in welcoming Professors Kaplan, Lehmann, and Weeks to three-year terms on SACUA.

DISRUPTION
OF PUBLIC
MEETINGS

As indicated in earlier minutes of SACUA, the matter of disruption of public meetings has been of general concern. The committee had accordingly asked the Civil Liberties Board to study the situation and to make such recommendations as it saw fit. The resolution proposed by the Board had struck SACUA as most timely; it had therefore been referred to the Assembly for discussion. Meanwhile, Professor Ilie, a member of the Assembly, had formulated a resolution of his own, which too was now before the Assembly for its consideration. (Copies of both documents are appended to these minutes.)

By way of facilitating discussion, Chairman Cohen suggested that the Assembly proceed in an informal mode for a short while, whereupon he invited Professor Ilie to comment upon his own resolution as a prelude to further discussion. In doing so, Professor Ilie actually urged that the Assembly adopt the Civil Liberties Board resolution as well as his own in view of their differing emphases. In any case, he declared it was time for the Assembly to speak out on the subject of disruptive practices, lest silence on its part be interpreted as indifference.

Others saw the situation as ripe for action as well, with Professor Seligson observing that a recent editorial in the Michigan Daily had proposed some disruption of the commencement proceedings, should Secretary Kissinger prove to be the speaker. On this subject Professor Berki stressed the importance of drawing some significant distinctions. It is one thing for the University to invite speakers to deliver lectures on a subject; it is quite another, he insisted, when an honor is involved, as in the case of commencement speakers receiving honorary degrees. In the latter case, he stressed, one must reserve the privilege of attempting to dissuade the University from granting such recognition to persons one feels do not merit it.

Turning to the Ilie resolution, Professor Hildebrandt, while feeling the faculty had been silent too long, wondered nonetheless whether the disciplinary process noted in the resolution was adequate to the purpose. Implementation would have to be left to the administrative officers, Professor Ilie felt, preferring not to get into the mechanics whereby the disciplinary procedure is carried out. Professor Kaplan, on the other hand, assured the Assembly relevant rules and specific procedures have been set forth by the University Judiciary.

Further discussion drew attention to additional points, with Professor Taren doubting that academic and political issues could be separated effectively by the language of any resolution. Others, however, stressed the importance of the distinction that Professor Berki was urging between the right of the University to invite anyone as a speaker as compared with an invitation carrying with it an honor, the latter actually bestowed by the University in the name of its faculty and students. The distinction struck Professor Livermore as particularly apt and as one that would avoid muddying the waters with respect to the issue of free speech. While he supported both the Civil Liberties Board and Ilie resolutions, it was not enough simply to affirm their sentiments, he felt; one needed to prepare cogent arguments to

support them in the face of articulate critics. In the opinion of Professor Lehmann it was important, too, to distinguish between a commencement address and an honorary degree. The latter was not to be conferred lightly, for reasons cited by Professor Berki. Nor, for that matter, should the former be taken lightly either, Professor Lehmann asserted. The commencement speaker serves, after all, as a role model, and there are some among us who would not wish to see the University choose certain people for the purpose.

The foregoing observations having been offered, Chairman Cohen called the attention of the Assembly to the resolution of the Civil Liberties Board, which required no second, opening the floor to discussion of amendments. Professor Bennett Cohen saw the resolution as somewhat weak by itself, suggesting that the Ilie resolution might help overcome this defect, a sentiment shared by others who questioned the force the Board's resolution would have. Professor Kaplan consequently suggested that the latter serve as a preamble to the Ilie resolution, a proposal Professor Ilie did not welcome, feeling the two were separate and that one might better vote the Board's resolution up or down, or else introduce additional resolutions. In this connection Professor Hoffman stressed again the importance of the distinctions drawn by Professor Berki, calling attention to the gray area existing between expressing one's views concerning proposed speakers but respecting the rights of speakers, once invited, to be heard.

As one way of dealing with the Civil Liberties Board resolution, now before the Assembly, Professor Kaplan proposed that the Ilie resolution be regarded as a substitute motion. If the motion passed, Chairman Cohen explained, the Ilie resolution would then be before the Assembly. In the subsequent vote, the motion to substitute was defeated resoundingly. The chairman therefore called attention to the substance of the Civil Liberties Board resolution. At that point, however, Professor Seligson requested permission to read a resolution she had been asked to introduce (a copy of which is appended to these minutes). No discussion of this third resolution ensued, and Chairman Cohen again called attention to the resolution of the Civil Liberties Board, whereupon, by a vote of 45 to 0, the latter was adopted as the position of the Assembly.

The floor was now opened to discussion of the Ilie resolution, which had been seconded, and which, since it was relatively specific, elicited a number of suggestions for amendment, especially with reference to its section (d). In this connection Professor Goldman wondered about the nature of the disciplinary process to which reference was made and the penalties involved, a question to which Chairman Cohen invited Professor DeKornfeld to speak, as a member of the University Council. The latter, Professor DeKornfeld indicated, is a body composed of representatives of the administration, faculty, and students, meets on a crisis-solving basis, and operates on the basis of a specified set of rules and procedures intended to guarantee due process and allowing appeal.

This preliminary discussion led to a series of amendments in the wording of section (d), proposed by several members of the Assembly, resulting in its eventual re-wording as follows:

"(d) use established disciplinary process and/or judicial processes with speed and vigor against disruptors, whether members of the University community or not."

The amendment to section (d) was adopted unanimously.

Various members of the Assembly subsequently proposed amendments with respect to the last sentence of the opening paragraph of the Ilie resolution, the first of these to be put to a vote re-wording the passage as follows:

"Abridgement of these rights, whether as the result of majority vote or not, by measures that anticipate potential misconduct, by confrontation and disruption, or by any other means, must not be tolerated."

The amendment failed by a vote of 20 to 17.

Further attempts to amend the sentence in question, particularly by Professors Goldman and Livermore, resulted in the following re-wording of the passage:

"Abridgement of these rights, by means that anticipate potential misconduct, or by confrontation and disruption, must not be tolerated."

The amendment carried, with minor dissent.

The question having been called, Chairman Cohen asked for a vote on the full Ilie resolution as now amended. The amended resolution was passed by a vote of 45 to 0.

Professor Seligson subsequently presented the resolution she had been asked to read and, the motion having been seconded, brief discussion followed. In the opinion of Professor Kaplan, the issue presented had already been amply debated by the University Council and the motion would amount to legislating the matter all over again, while Professor Goldman suggested that adoption of the motion as presented would not be consistent with action the Assembly had just taken.

In the vote that followed the resolution was defeated overwhelmingly.

Subsequently Professor Livermore offered a motion, which was seconded, and amended slightly to incorporate minor procedural suggestions to which he agreed. The motion then read as follows:

"Because differences of opinion have come to exist within our community on the nature, scope, and rationale of freedom of speech and academic freedom as they pertain to University practices, therefore be it Resolved:

That SACUA appoint a committee, or refer the matter to the Civil Liberties Board, to prepare a general report on the question. The committee or Board might take the recent report of the Woodward Committee on Freedom of Expression at Yale University, including the dissenting report by one member of that Committee, as a guide for their report."

The Livermore motion was passed unanimously.

NOMINATIONS AND APPOINTMENTS The Assembly voted unanimously to appoint the following to the vacancies noted:

Professors Lorraine Perry and Harry Whitmore to two-year terms on the Office of Student Services Policy Board, replacing Professors Baker and Ocker;

Professor James M. Miller to complete the term of Professor Kopplin on the University Cellar Board of Directors.

VOTE OF APPRECIATION Professor Goodman rose to pay tribute to the contributions of the Chairman and Vice-Chairman of SACUA and the Assembly. Professors Cohen and Loomis, he declared, had given of themselves unstintingly in their roles. With characteristic diligence and selfless dedication, they had provided wise counsel and strong leadership in the discharge of their responsibilities. The Assembly and the faculty are much in their debt.

The sentiments were strongly applauded by the members of the Assembly with a rising vote of thanks.

ADJOURNMENT There being no further business, the Assembly adjourned at 5:32 p.m.

Erasmus L. Hoch
Secretary

Attachments