

THE UNIVERSITY OF MICHIGAN
SENATE ASSEMBLY

Minutes of Assembly Meeting, May 15, 1978

ATTENDANCE

Present: Members Angus, Aupperle, Barnett, Baumgarten, Berg, P. Jones, M. Brown, Butler, Caldwell, Coon, Cooper, Corpron, Saxonhouse, Dingle, Downen, Eckert, Elving, Flener, Fowler, Gay, George, Gordon, Harris, Heers, Gedney, Hinerman, Jones, Koran, Lindberg, Lynch-Sauer, Merte, Abrams, Naylor, Nesbitt, Parkinson, Portman, Poznanski, Rabkin, Rowe, Shannon, Sinsheimer, Tonsor, Trojan, Uttal, White, Schulze, Livermore

Absent: Members Blumenfeld, D. Brown, Browne, Cohen, Crichton, Dabich, Edwards, Fekety, Gelehrter, Gull, Hungerman, Juvinal, Leary, Ostrander, Penner, Porter, Powers, Romani, Simonds, Tilly, Vasse, Verhey, Winans, Zorn

Guests: Professor James Duderstadt, Chairman, Academic Affairs Committee; Professor Bruce Friedman, Chairman, Civil Liberties Board

CALL TO ORDER

The meeting was called to order at 3:15 p.m., in the Rackham Amphitheater.

MINUTES

The Minutes of April 24, 1978 were approved as written.

Livermore noted that the report of the Tenure Committee, promised for May in the minutes, would be postponed until June or early fall. Professor Barnett inquired about the appendix to the minutes containing tables describing the number of teaching days over the last ten years. He noted a lack of clarity. Professor Elving, who first broached the subject of the calendar in Assembly, reported on his own inquiry into the matter. He found out the way the calendar is prepared. For the Fall Term, for example, the first assumption is that students may not be called to campus before Labor Day, and must leave no later than December 23. Requests for orientation days and study days are then honored. The remaining time automatically becomes the teaching term. He asked, what can SACUA do? Livermore replied that the issue will be discussed with President Fleming May 22, and a report made to the Assembly in June. Professor M. Brown, somewhat cryptically, suggested that the issue as Elving has presented it becomes a metaphor for the general relationship between the administration and faculty in academic decision-making.

ANNOUNCEMENTS

There were no announcements.

SACUA, SENATE
ASSEMBLY AND
ASSEMBLY
COMMITTEES

Professor Livermore observed that when he first entered the Assembly four years ago he had been baffled by what appeared to be the strangeness and complexity of faculty government at the University level. He concluded, therefore, that a brief history of SACUA, Senate Assembly, and Assembly Committees might be useful to new members of the Assembly. He began with the Assembly. Prior to the 1960's, faculty government was the business of the entire Senate--all members of the faculty of professorial rank plus some others, like primary researchers, who had been specifically admitted to membership. Business was conducted at two semi-annual meetings that were traditionally chaired by the President of the University. The growth of the University, however, made the Senate an unwieldy body by the mid-sixties, and after long planning and debate the Assembly, a constitutionally representative body, was brought into being. Its birth was approved by a single vote in an election held by the entire faculty. As then predicted, the Assembly soon became the locus of faculty government and faculty opinion, and Senate meetings have since dwindled in importance.

SACUA was born in 1937 to coordinate the work of a multitude of ad hoc Senate committees. Members of SACUA were distributed according to unit, but elected by the entire Senate. In 1967, with the creation of the Assembly, SACUA was reduced from 19 to 9 members, and charged with the presentation of issues to the Assembly. It was given large discretion in the performance of its role.

Also in the Mid-60's there was revision of the Committee structure. Six committees advisory to the six University vice presidents were formed. Their functions were both to monitor and to help in the formation of policy. Four committees were created with special ties to the Assembly: Rules, Tenure, SARC--which reviews faculty grievances with primary reference to procedures--and CESF, which was charged with the collection and analysis of data on the economic status of the faculty, and later charged also with the task of consultative negotiations with the Administration and the Regents. This second charge was thought to constitute an alternative to collective bargaining. Again, in the sixties, the Civil Liberties Board was formed as a special interest of the faculty. Both the advisory committees and the Assembly-oriented committees were established with the intention of providing a constitutional way for faculty to increase its effectiveness in influencing policy decisions. Increasing the influence of the faculty was the leading motive of all of the changes of faculty government in the 1960's.

Livermore concluded his account by mentioning other boards and committees which rely on Assembly or SACUA action for their faculty membership: Boards governing

intercollegiate athletics, recreation and club sports, the Michigan Union and the Michigan League; the board advising student publications; and committees that distribute various honors and awards. He also rehearsed briefly the history of the three Presidential committees: Budget Priorities, Program Evaluations, and Long-Range Planning (now defunct).

Professor Elving commented that Livermore's account had made clear that the Assembly's committees are with respect to the administration, a) advisory or b) ineffective. "It's depressing." Livermore responded that Elving's response was entirely appropriate. He, too, felt that the record was largely one of ineffectiveness, that recently the pattern has been that the faculty proposes and the administration disposes. In the late '30's, he said he had been told, the faculty and the president were co-equals in decision-making. Professor Friedman observed, in support, that as chairman of the Civil Liberties Board he had been hard-pressed to make it clear to administrators that policies approved by the Assembly were approved as written and were not subject, as far as faculty approval was concerned, to their revision.

NOMINATIONS & APPOINTMENTS

Ilene Olken, Professor of Italian, was appointed to the advisory Board for Student Publications.

CIVIL LIBER- TIES BOARD'S PROPOSED GUIDELINES ON SECRET AGENCY INVOLVEMENT

Livermore introduced the background to the issue and then introduced Professor Friedman, Chairman of the Civil Liberties Board. The Guidelines were presented for discussion, but not for action at this time. Friedman described the dual test proposed in the guidelines: members of the University are prohibited from relationships which are 1) secret, and 2) may result in deception or serious harm. Friedman explained that the definition of these terms would be left to the time of adjudication. The Board specifically mentions the establishment of "intent" as key to any future judicial decision. He thought the guidelines would be useful--even if never used--in raising consciousness in the University to the activities of secret, intelligence-gathering agencies. He called for discussion.

Professor Corpron led off by suggesting that the guidelines refer to "alleged violations" rather than simply "violations." Professor White said that the document was unduly vague. He said that it lumps together objectionable and non-objectionable behavior. For example, it deals with the giving of recommendations, with "ratting" on people, with consulting, with participation in political parties, government and so forth. These activities are not on the same level. Professor Friedman replied (after consultation with Professor Livermore) that it may be quite appropriate to narrow the focus of the guidelines to deal exclusively

with intelligence agencies--thereby excluding reference to activities such as those in the political realm. Professor Tonsor then said that he thought secret relationships with outside agencies ought to be totally disallowed. He was personally disgusted by secrecy and thought it had no place in the University. Citizenship, he said, is an open matter. Friedman responded that the guidelines deal only with non-remunerative relationships, but Tonsor challenged the definition of what is "non-remunerative."

Professor Rabkin said that the University stands for openness. But, he asked, should the University force disclosure of secrets when no civil authority has the power to do it? He analyzed the penultimate paragraph of the guidelines, which he thought contained a number of vague words and phrases. He suggested that the document try to spell out procedures for determining its tests rather than attempt to define its abstract terms. Friedman pointed out that the last sentence of the document indicates that the University already has procedures of adjudication. Rabkin continued by asking that the document not try to include in its body all possible types of violation--an impossible task--but put its examples in an appendix.

Professor M. Brown said that he was upset about the paragraph that places the definition of the test terms "within the framework of contemporary standards and expected behavior." He thought that framework entirely inadequate as a way to define freedom.

Livermore then asked the Assembly if the document ought to be revised with the purpose of focussing more narrowly on the relationship with intelligence-gathering agencies.

Professor Gordon seemed to agree with the tenor of Livermore's question when he asked, what are the ethics governing our handling of student papers? Are they public documents? Professor Tonsor rose to respond to the earlier remarks by Rabkin. He said he was sure that his professional obligations entail a restriction of many freedoms that he enjoys as a citizen. Secrecy may not violate good citizenship, but it does violate the nature of the University.

Professor Jones queried whether secrecy might not be the best course under certain circumstances. He alluded to the trial of Yuri Orlov in the Soviet Union. He could imagine, he said, the rightness of joining in confidential steps to win Professor Orlov's freedom.

Professor Naylor said he would push the point further and defend the right of individual choice, the right to have secrets.

Professor Baumgarten asked if the policy dealt only with relationships that affected persons. He gave an illustration concerning scientific information. He then asked, who judges intent? Friedman explained that the policy deals with any information that is both secret and potentially deceptive or harmful. He repeated that the University Judiciary would handle cases.

Professor Rabkin thought the document should clarify whether its chief concern is with the structure of relationships with intelligence-gathering agencies that might exist on campus, or with the consequences such relationships might cause.

Professor Friedman thanked the Assembly for its opinions, and promised that the Civil Liberties Board would consider them seriously when it prepared its revision.

PROPOSED
AMENDMENTS TO
PROCEDURES
FOR PROGRAM
DISCONTINU-
ANCE

Livermore recited the history of the amendments and introduced Professor James Duderstadt, Chairman of the Academic Affairs Committee.

Duderstadt observed that the most urgent of the amendments dealt with the problem of program transference, a topic not covered in the original document. Vice-President Shapiro had also asked that the guidelines be revised to include 1) the criterion of centrality of mission, and 2) the possibility of by-passing the appointment of a new ad hoc review committee when there had been a recent periodic review of the program in question. Duderstadt explained the changes proposed, and noted that the Committee had decided to retain the provision of an ad hoc review committee in every case of program discontinuance. Professor Rabkin opened the discussion by advising the Committee to retain the original wording of the criteria for discontinuance that had specified academic quality as the preeminent determinant.

Professor Gedney argued strongly in favor of retaining the provision of an ad hoc review committee. Professor Elving seconded Gedney's remarks, stating that the kind of review that envisions discontinuance is different from other kinds of program evaluation.

Professor Rabkin noted that periodic reviews in the English Department were largely the work of the Department itself. He asked if this were the case throughout the University. Duderstadt replied that increasingly periodic reviews were being carried out by consultants brought in from other units and other universities. Professor Porter observed that the reviews of graduate programs conducted by the Rackham Board were analogous.

Livermore said that Vice-President Shapiro was concerned that we have clear procedures so that changes in the University's programs be as acceptable as possible.

Professor Elving said that we have elaborate procedures for discontinuing programs but no procedures that must be followed in order to create them. The point was acknowledged.

Professor Cooper then argued that it looked to him as if the faculty had already abrogated its control of the curriculum by passing the original guidelines. He wondered especially why the faculty had no part in the initiation of a program discontinuance proposal. Professors Gordon, Corpron, Elving, Cooper, and Hinerman all then in turn pointed to problems in the original document. They all suggested that Deans and Executive Committees were not always adequate representatives of faculty opinion. What do the Regents' Bylaws mean by the phrase "the governing faculty?"

ADJOURNMENT

On this challenging note the Assembly adjourned at 5:15 p.m.

Earl J. Schulze
Senate Secretary

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