

The minutes of the May 16, 1994 Senate Assembly meeting were approved on June 20, 1994.

THE UNIVERSITY OF MICHIGAN

SENATE ASSEMBLY MEETING

MINUTES OF 16 MAY 1994

ATTENDANCE

Present: Awkward, Beam, Bike, Birge, Blair, Blinder, Brandle, Brewer, Brown, Brusati, Canine, Chiego, Christiansen, Cowan, Coward, D'Alecy, DeCamp, Dunn, Eklund, Ensminger, Frey, Gidley, Greene, Griffin, Gull, Howell (Alt for Whitehouse), Irani, Kaplan, Katehi, Keener (Alt for Kennedy), Kunkel, T. Lee, V. Lee, Levine, Lomax, Loup, Lykes, Maloy, Marich, McNamara, Montalvo, Moore, Mukasa, Myers, Nairn, Princen, Raymond, Rodriguez-Hornedo, Rogers, Rush, Saunders, Scheppele, Schteingart, Shirley, Silverstein, Simms, Sisson, Smith, Stensones, Warner, Williams; MacAdam, Olson, Thorson, Heskett.

Absent: Bryant, Driscoll, Eggertsen, Elta, England, Fox, Kelley, Lawson, Mutschler, Nostrant, Nowak, Tinkle, Tremper, Woo.

OPENING REMARKS BY JEAN LOUP, CHAIR

Loup outlined the two purposes of faculty governance: to influence policy and decisions at the University and to inform and educate faculty on issues of importance. She read the document "Fundamental Tenets of Membership in the University Community" and cited Regent Power's suggestion that issues of controversy might be resolved better by "lowering our voices" to promote reasoned discussion. Loup noted the agenda change that Charles Garvin would report on the deans' evaluation process rather than Rashid Bashshur for the Committee for a Multicultural University.

CONSIDERATION OF MINUTES FROM APRIL 18, 1994

The minutes were approved as written.

COMMITTEE APPOINTMENTS

Senate Assembly approved the committee appointments as recommended by SACUA.

MEDICAL AFFAIRS ADVISORY COMMITTEE HEALTH FORUMS,
MARILYNN ROSENTHAL, CHAIR

Rosenthal summarized the completed and planned activities as part of the two-year series of events on health care reform, citing four goals of the series: to provide a non-partisan forum for the study of health care reform; to strengthen ties between the University and state and federal governments; to shape debate on the issues; and to provide information on the impact of proposed reforms. She listed

the sources of support for the series from across the campus and announced that Senators Levin and Riegle had accepted an invitation to serve as honorary co-chairs; Governor John Engler had not yet responded to a similar invitation. Rosenthal concluded by emphasizing the pro-active possibilities for Senate Assembly committees that this endeavor represented and noted that committees also had an important educational responsibility to students, colleagues, government, and the community.

DEANS' EVALUATION PROCESS, CHARLES GARVIN, ACADEMIC AFFAIRS COMMITTEE CHAIR

Garvin called Assembly attention to the brief report from the Academic Affairs Committee on the evaluation of deans and invited comments or questions from Assembly. In response to a question by McNamara on the availability of tabulated data to all faculty, Sandra Heskett indicated that the mailing to faculty was in progress. McNamara also questioned the report's conclusion that few responses had missing data. Garvin clarified the statement, indicating that what was actually meant was that most faculty selected one of the available responses except on items where it was expected that faculty would not have enough knowledge to provide a response.

"REFINEMENT OF THE PRIMARY RESEARCH SCIENTIST TRACK"
FREDERICK NEIDHARDT, ASSOCIATE VICE PRESIDENT FOR
RESEARCH AND NICHOLAS STENECK, CHAIR, RESEARCH POLICIES
COMMITTEE

Steneck summarized events leading to the OVPR's recommended changes in the primary research track including prior recommendations from RPC and the Engineering and Medical Schools. Neidhardt highlighted key points in the report including the background, problems with the research track, suggested solutions, and the proposed refinements: consistency in the rigor of practices related to the appointment and promotion process, the need for career development opportunities and job security. He announced that a second meeting with Research Scientists (in addition to one held on May 13) was scheduled for May 31. Coward praised OVPR's efforts to get uniformity across the University but reiterated concerns on the distinctions between instructional and research activities, noting that teaching faculty did both these things without special compensation for grant writing. Neidhardt responded that this was a legal requirement subject to audit since grant preparation activity could not be included as part of a contract. Coward added his concern that primary research appointments were often made without conducting a national search and Neidhardt indicated that the OVPR felt national searches were important and that data on searches would have to be reported beginning July 1.

POWERS AND DUTIES OF SACUA

Birge asked that Griffin summarize the discussion of a group of faculty on the respective roles of SACUA and Senate Assembly. Griffin called Assembly

attention to Regents' Bylaws 4.04 and 4.08 noting that the duties of SACUA derive from Senate Assembly. He noted a shift in recent years from Senate Assembly to SACUA as the group communicating faculty issues, and cited the Communication Department issue and the request for an apology to the Provost as examples of items which should have been reviewed by Senate Assembly before SACUA action. He also noted formation of SACUA subcommittees to address matters that could have been referred to Senate Assembly committees. Griffin moved that Senate Assembly reaffirm the division of powers and duties among the University Senate, the Senate Assembly, and SACUA as stated in the Bylaws. Birge seconded the motion. In subsequent discussion Maloy called attention to Regent's Bylaw 4.01 and suggested that many of the issues pertaining to academic policy which SACUA had addressed should have come from the academic units to Senate Assembly. Brewer countered that SACUA and SACUA subcommittees brought everything back to Senate Assembly and cited the faculty retreat and requests by faculty to SACUA for action. Coward reminded the Assembly of the discussions in Assembly and in the Academic Affairs Committee regarding the evaluation of deans which were ignored by SACUA and suggested that similar actions by University administrators would have been deplored. DeCamp took exception to the suggestion that there had been a gradual drift of power from Assembly to SACUA, and noted that this had been consistent over the last decade; he offered the opinion that the current group was trying to get Senate Assembly more involved. Simms questioned why the motion was being brought forward and McNamara asked Griffin for clarification on the kinds of activities Griffin saw as problematic. Griffin again cited the investigation of grievance procedures and the Communication Department issue involvement as examples in which SACUA exceeded the authority specified in the Bylaws. Scheppele stated that Senate Assembly represented the faculty and that SACUA should act under the direction of Senate Assembly; she emphasized the Senate Assembly had to be informed on what action SACUA was taking. Cowan asked if Senate Assembly could delegate to another body and Kaplan suggested that SACUA had other broad responsibilities to advise the President and Provost and could not check with Assembly each time. Moore called attention to Bylaw 4.06 as indicating that Senate Assembly could delegate responsibility. Simms asked if a copy of the complete Regent Bylaws was available and Olson shared his. Moore moved to table the motion made by Griffin. Moore's motion was seconded and Assembly voted 37-17 to table the motion by Griffin.

Montalvo moved that Senate Assembly function as a committee of the whole until 5:00 p.m. The motion was seconded and passed unanimously.

CLOSING REMARKS BY PROVOST WHITAKER

Whitaker recalled his remarks in September to Assembly in which he spoke of academic values and undergraduate education. He emphasized that academic values must rest with the faculty and stressed the role of faculty in sustaining the intellectual quality of the University through appointment and promotion decisions,

adding that such decisions must be judged on scholarship, not on gender, race or other non-academic factors. Whitaker summarized faculty accomplishments of the past year and noted important discussions on free speech and civility. He warned of the problems in using the press to bring pressure to bear on the actions of the University and outlined the issues related to the grievance procedure under question, affirming his decision to urge that evidence be provided when making charges of racism or other misconduct against a faculty member. Whitaker reminded Assembly that such a position had been urged in the Faculty Perspectives Page. He questioned SACUA's failure to request such evidence and emphasized his position that individuals were innocent until proven guilty. Whitaker indicated that he did not intend to retract or apologize for his statement and concluded with his conviction of the need to substantiate charges, the need for civility in the University, and the need to know when SACUA or Senate Assembly are speaking for the faculty as a whole or as individuals.

Loup recognized Brewer who outlined a SACUA majority proposal. Brewer indicated that he liked the Provost and considered him a nice man, a reasonable man and expressed hope that the differences between the Provost and some members of SACUA could be resolved. He recommended that no action on the matter be taken by Assembly because the Provost was making the charge of racism the issue when SACUA saw the matter as one of interference in the grievance process. Brewer called attention through a set of overheads the specific sentence in the Provost's letter to which SACUA objected, specifically that the Provost "was not aware of any evidence..." Brewer agreed that individuals making charges should substantiate such charges but reiterated that the matter was one of the Provost chilling open investigation of a grievance in progress. Brewer concluded by restating that the apology SACUA had requested was over the interference in a grievance matter and suggested that the Provost and SACUA should meet to find common ground. D'Alecy asked if the grievance was ongoing and Brewer replied that it was under appeal. Maloy suggested that one party in a dispute demanding the other party apologize was not a step toward finding common ground. Beam suggested that the entire matter was an example of what Griffin's motion to affirm the Bylaws was trying to address, namely whether action as grave as asking the Provost for an apology should have been taken without consultation with Senate Assembly.

Moore spoke at length to Assembly, reiterating the points made in his minority report on the alleged interference by Provost Whitaker in a grievance. He framed the issue as one of justice and a power struggle between faculty and the administration. Moore emphasized that the conflict under discussion had been brought to SACUA by a faculty member and that SACUA was investigating the issue of procedure only. Moore added a concern over the release of confidential documents, especially while the grievance was still in process. Moore challenged the letter signed by a group of Medical School faculty in support of Professor Pratt, charging that many faculty had refused to sign because they were not allowed to see

the letter and some faculty who actually signed did so out of misunderstanding. He urged Assembly to endorse the course of action laid out by Brewer.

Birge requested clarification on the majority report from the SACUA grievance subcommittee. Griffin summarized the meetings of Cameron, Moore and Griffin and reported that two members favored supporting the Provost's letter and one did not. He indicated that the chair of the grievance subcommittee (Moore) had come back with an individual report while the majority on the subcommittee prepared the subcommittee report. Moore challenged Griffin's summary.

Shirley questioned why SACUA had not brought a matter of such gravity to Senate Assembly before taking action and Simms asked if a complete set of the Bylaws was available. Montalvo moved to extend the meeting as a committee of the whole until 5:30 p.m. Assembly approved the motion. Kaplan provided a statement on behalf of AAUP suggesting that the actions of the Provost raised serious questions on the propriety of involvement in an ongoing grievance and the impropriety of releasing correspondence. Kaplan concluded with the AAUP stance that all such actions should cease.

Montalvo yielded the floor to Peggie Hollingsworth who made a statement to Assembly. She outlined the personal and professional costs to her resulting from the Provost's involvement and the release of confidential documents related to her grievance. She charged the Provost with lack of concern for her career or personal life and summarized the circumstances provoking her decision to file a grievance to address long-standing problems in the Medical School. Hollingsworth noted the cost in resources to the University squandered on such litigation which could have been avoided by a willingness to address issues facing women and minorities, expressing her love for the University. Hollingsworth cited her long service to the University and the awards she had received and concluded by drawing an analogy to her circumstances and the Holocaust victims removed to concentration camps, quoting Martin Niemoeller in her remarks.

Thomas Landefeld addressed Assembly commending the Provost on his defense of faculty, but suggesting that the Provost had been selective in his defense and that it might be because there were favored and non-favored faculty. Landefeld noted that Professor Pratt had refused to talk to the Medical School ombudsperson or to meet with the Medical School grievance committee. Landefeld further charged that the accusations of racism had been discounted and that it was important to deal with Hollingsworth's charges against the Medical School that racism had played a role in her denial of promotion. He questioned why the University ignored racism in the institution and reiterated his question as to why more efforts weren't made to investigate the charges of racism and protect his and Hollingsworth's rights in the process. Landefeld asked the Provost to establish a forum to make Pratt available to answer the charges brought against him.

Whitaker responded by expressing regret that the discussion had turned to a focus on the specific case and told Assembly that he was offended by comments made about him. Whitaker noted his record on diversity at the Business School and responded to the charge that he had released confidential documents by noting he

had circulated no document not already shared in the public arena by others. Whitaker described his efforts to assist Hollingsworth and Landefeld and noted that in spite of Brewer's assertion that the issue was one of possible interference in a grievance process, subsequent speakers had made it one of racism. Whitaker concluded with an expression of belief that a supportive climate for all members of the University community was important.

Simms called Assembly attention to Regent Bylaw 5.09 as relevant to the discussion of the responsibilities of SACUA and the right of faculty to request help from SACUA.

Ronald Holz challenged Moore's statement that faculty signing the letter in support of Pratt had done so without adequate knowledge, indicating that he applauded the Provost's action and that the letter had received extensive discussion in the Medical School and was signed with full support and knowledge. Rogers spoke on behalf of Whitaker, reminding Assembly of his exemplary record in the Business School in creating a climate supportive of women and minorities. Rogers suggested that every faculty member if charged with misconduct would welcome such a letter urging that evidence accompany such charges and she suggested Assembly look at the letter as whole rather than a single sentence. An Assembly member suggested the need for data, not just claims to win an argument.

Loup noted the expiration of the time allotted for Assembly to function as a committee as a whole.

ADJOURNMENT

After being so moved, seconded and approved, Senate Assembly adjourned at 5:30 p.m.

Respectfully submitted,

Barbara MacAdam
Senate Secretary