

THE UNIVERSITY OF MICHIGAN
SENATE ASSEMBLY

Minutes of Assembly Meeting, September 16, 1974

ATTENDANCE

Present: Adams, Allen, Bishop, Brockway, Browder, Brown, Caldwell, Cartwright, Cassidy, Cornell, Cosand, Crawford, Danielson, Easley, Evaldson, Beaver, Flynn, Gikas, Goldman, Goodman, Hoffman, Horsley, Ilie, Jameson, Johnson, Kachaturoff, Kaplan, Kell, Kelsey, Kish, Lands, Larkin, Lehmann, Livermore, Loomis, Lytle, Magrill, Mohler, Murphey, Nesbitt, Oberman, Ostrand, Rowe, Schmickel, Scott, Seligson, Matejka, Sudarkasa, Taren, Terwilliger, Van Der Voo, Vaughn, Weeks, Williams, Wilson, Leonard, Cohen, Hoch, Hildebrandt

Absent: Anton, Baublis, Berki, Creeth, DeKornfeld, ~~Dernberger~~, Deskins, Floyd, Harrison, Hymans, Krachenberg, Sibley, Springer, Vander

Guests: Vice-President Frank H. T. Rhodes, Mr. Mark Ferrenz

CALL TO
ORDER

Chairman Cohen called the meeting to order at 3:20 p.m., welcoming the members of the Assembly after the summer respite.

APPROVAL OF
MINUTES

The minutes of the Assembly meeting of June 17, 1974 were approved.

ANNOUNCEMENTS

Though the minutes of SACUA apprise members of the Assembly of the committee's activities, the Chairman deemed it in order to recall and comment briefly upon the principal themes of the past summer, listing them as:

- a. the role of the faculty in the GEO negotiations;
- b. the problem of appointments as Professor or Associate Professor without tenure;
- c. the guidelines concerning the use of University facilities for fund-raising purposes;
- d. nominations and appointments to boards and committees;
- e. budgetary matters

Apropos of the latter, Chairman Cohen reported that the Committee on the Economic Status of the Faculty has already prepared a proposal on faculty compensation for 1975-76 which will be brought to the Assembly at its October meeting, when committee reports are to be reviewed.

SPECIAL
REPORT ON
TENURE

With the call to the meeting, members of the Assembly had received copies of a special report on tenure, an outgrowth of extensive discussions by SACUA. At issue was the case of Professors and Associate Professors whose appointments are expressly stated as being without tenure.

In introducing the subject Chairman Cohen informed the Assembly that the report was at present being offered for general discussion and not necessarily action, though the body was certainly free to act at this time if it felt so inclined. Thereupon Professor Cooperrider, Chairman of the Tenure Committee, was invited to make whatever preliminary remarks he might wish, an offer he chose to decline at the moment in favor of opening the special report to general discussion.

That the problem was not simple was already evident from the initial remarks, Professor Loomis pointing to a practical problem--the need to distinguish on appointment forms between those currently without tenure but in process of accruing it (over the course of seven years) and others really without tenure, i.e., those whose appointments were expressly intended as not acquiring tenure even over time. Additional complications were readily apparent, with Professor Kaplan, for example, pointing to the case in which someone carries a full-time appointment in one year and a fractional one in the next. Nonetheless, he added, SACUA seemed to have made the best of a complex situation, trying in its report to embrace the many possible contingencies within a set of plausible recommendations.

Some further practical considerations were indicated by several. Thus, Professor Cartwright wondered how the report, if adopted, would affect such special categories as "Clinical" appointments in the Medical and Dental Schools (though Professor Cooperrider saw no problem here, since the report was not intended to apply to such supplemental categories as clinical or adjunct appointments). On the other hand, Professor Lands saw as basic the need to clarify for appointees without tenure the distinction between Section 5.08 of the Regents Bylaws, which deals with the matter of tenure, and Section 5.09, which describes due process in cases of dismissal, demotion, or termination. Though one's status is now to be spelled out explicitly on notices of appointment (as indicated in the footnote on page 2 of the report), the issue remaining to be understood, according to Professor Lands, is the applicability of Section 5.09 (especially since the University's general counsel has issued the opinion that appointments expressly designated as "without tenure" have no recourse to the protections offered under this section of the Bylaws). Quite another reason for studying the implications of the report was presented by Professor Rowe, who offered as recommended reading a recent Newsweek article titled "Higher Education: Pricing Itself Out of the Market?", suggesting that it might behoove one to examine the consequences of adoption of the report in this light.

While there was some sentiment for taking action on the report at this meeting, as reflected in a preliminary motion for adoption offered by Professor Brockway, further comments suggested making haste more slowly.

Specifically, Professor Hoffman wondered to what extent relevant groups concerned with the interests of women had been consulted, especially since, as she understood it, positions as Professor or Associate Professor without tenure fall disproportionately to their lot. Though Professor Cooperrider doubted that the latter was the case, he pointed out that his committee had actually not been concerned with identifying individuals. Professor Livermore expressed some reservations nonetheless, wondering about the constituencies that would be most substantially affected by the adoption of the report and the extent to which their reactions had been canvassed.

By way of reflecting the general feeling of a need for more information on those and related counts, Professor Goldman offered a motion, which was seconded, to postpone action on the report until information and data of the type suggested by Professors Hoffman and Livermore are available. The motion carried.

DISCUSSION
WITH VICE-
PRESIDENT
RHODES

Introduced not only in his current administrative role but also as scientist and educator, Vice-President Rhodes was invited by Chairman Cohen to present the view from his new office. Mr. Rhodes welcomed the opportunity and proceeded to present as broad a perspective as was possible, given his relatively recent accession to the position of Vice-President for Academic Affairs.

Though his message had a distinctly positive flavor, Mr. Rhodes took pains to point to factors to be taken seriously into account--both external constraints and internal realities. There is no mistaking the former. Nationally one finds an end to the period of growth, with enrollments stabilizing in the more fortunate universities and suffering a precipitous decline in those less fortunate. While early estimates of this semester's enrollment suggest our own University may have sustained a drop of 500 students, the reduction was neither unanticipated nor is it necessarily undesirable. Nonetheless such shifts require a new flexibility if they are to be taken in stride, especially when accompanied by other significant trends. For priorities, too, are undergoing change. The present period of financial stringency, for example, spells not only inflation but also a shift in public priorities that finds higher education no longer in a dominant or even leading role. Meanwhile, student priorities show a shift of their own, as witness the threefold increase in premedical applicants over the past three years, with ramifications felt across campus. Add to all of this the vagaries of the employment market, and it is small wonder that the professional schools find it difficult to accommodate the demands of the moment let alone anticipate the situation 20 years hence.

At the state level, Vice-President Rhodes pointed out, there are other, though equally compelling, realities to be faced. The language of the 1974-75 Appropriations Act presents a number of new, and not inconsequential, problems. The so-called mid-year appropriations correction for 1975-76 may pose a problem for the University in that we

invariably suffer a decline in enrollment in the winter term. The fact that only on-campus instruction is to be funded presents a problem of another sort, as does the contemplated funding on a discipline-by-discipline basis which may restrict our independence, as well as the legislature's apparent intention to move from program budgeting to formula funding.

If anything, all of this places a higher premium on planning than ever before, Mr. Rhodes observed. For education must address itself actively to a variety of macro-problems--social, economic, technological. A greater concordance between the mission of the University and the needs of the wider society is sorely needed. The requisite expertise resides on campus. So that it may more readily be tapped and enlisted, the newly constituted Office of Academic Analysis and Planning is at work on projections that could launch truly cooperative ventures.

All the while there are certain internal realities that must be borne in mind, the Vice-President reminded his audience. At the practical level are such facts of life as the round of union negotiations posing new and unfamiliar problems and threatening to replace a collegial with an adversary relationship. Or the fact that the hard-won average 8% salary increase has been achieved at the cost of what are euphemistically called "internal reallocations". At the more abstract level are such considerations as the need to preserve the cherished decentralization which permits creative entrepreneurial effort, while at the same time avoiding departmental territorialism. Or the desire to maintain the virtues of our tenure and reward system while finding ways to accommodate the imaginative maverick.

As he had during his term as Dean, Mr. Rhodes stressed again the significant role which undergraduate education must play in the life of a university which has won its laurels on the basis of its research enterprise and graduate training. For, in the last analysis, a central goal of all involved is the improvement of the effectiveness of the learning process. Indeed, many specific steps are currently being taken to abet the effort--creation of faculty development awards to enable staff to branch out in new directions, institution of an intern fellowship program, encouragement of new organizational groupings and alliances, and support of projects utilizing new technology in the teaching/learning process, to name a few.

In closing, the Vice-President called for a united front in attempting to address problems which, he emphasized, could hardly be solved at the administrative/organizational level alone. Expressing the hope that we would be entering a period of imaginative growth, he foresaw many questions to which only cooperative effort could supply answers--our responsibility to postgraduate patterns of lifelong training, the implementation of our goals of affirmative action, the expansion of possibilities for high-risk research that would break down disciplinary barriers and support imaginative work. In short, the definition of the mission of the University and the development of a coherent theory of higher education are tasks so broad that only cooperative effort of the finest sort will effect their accomplishment.

In response to a series of queries from members of the Assembly, Mr. Rhodes subsequently elaborated on such aspects of his address as the emphasis on the undergraduate program, the impact of several provisions of the Appropriations Act, and the manner in which, as he saw it, the Assembly, its committees, and the faculty in general could facilitate constructive dialogue. The opportunity to hear at first hand the foregoing prospectus was one for which Chairman Cohen thanked the Vice-President on behalf of the Assembly, whose members demonstrated their appreciation with a round of applause.

NOMINATIONS
AND
APPOINTMENTS

a. The Assembly approved Professor Bruce A. Friedman for a 3-year term on the Civil Liberties Board.

b. The Assembly approved the following for membership on the Committee on the Proper Role of the University for the terms noted:

Professor Joseph Cosand (3 years), Professor Charles Davisson (2 years), Professor Glenn Knoll (3 years), Professor William J. Pierce (3 years)

c. Selection of member-at-large on the Steering Committee, Office of Budgets and Planning, resulted in two successive tie votes. Hence, the nominees, Professors Shaw Livermore and Brymer Williams, were asked to settle the matter between themselves. (Professor Williams will serve.)

GEO
NEGOTIATIONS

As noted in its minutes of several meetings, SACUA had considered at length how most appropriately to respond to an invitation from the Graduate Employees' Organization to name representatives to the GEO Advisory Council, paralleling the faculty representatives to the University Advisory Committee. For the purpose of further discussion, Mark Ferrenz, Chairman of GEO and member of its bargaining team, had been invited to present his views. In introducing Mr. Ferrenz, Chairman Cohen took occasion to remind the members of the Assembly that bargaining is now in progress, that the sessions are public, and that Professors Lehmann, McKeachie, and Olken have, on approval by the Assembly, become members of the University Advisory Committee to the Negotiating Committee. He pointed out, further, that in the course of discussing the GEO invitation to name faculty representatives to its Advisory Council, SACUA had consulted many sources--AAUP, the University of Michigan Association for Collective Bargaining, members of the University Negotiating Team, its own representatives to the University Advisory Committee, members of the Law Faculty, those knowledgeable about negotiations in the Medical School with the House Officers' Association, and other universities having had experience in this type of negotiation. Despite this extensive exchange of views, the legal and ethical aspects of having representation on both sides of the negotiations were not altogether clearcut. Hence, the counsel of the members of the Assembly was again being sought, with Mr. Ferrenz given an opportunity to present his views at first hand.

In so doing, Mr. Ferrenz observed that, just as Vice-President Rhodes had a few moments earlier asked that the faculty lend its support to programs being planned by the administration, so too GEO was asking

that the faculty contribute its resources to the cause of its graduate students. GEO had been formed, he indicated, by way of self-protection, the course of collective bargaining having been chosen only because the alternatives were worse. The process is admittedly a complicated one, and GEO had called for open meetings so that all might see what was transpiring.

Collective bargaining, Mr. Ferrenz noted, is by nature a "false-front" approach, each side feeling the other out, with neither speaking altogether frankly. The only input the Assembly now has is through its representatives to the University Advisory Committee, he pointed out, and since GEO deals only with the University Negotiating Committee, the students cannot be certain of faculty sentiment. On the other hand, Mr. Ferrenz informed the Assembly, on consultation with its attorneys GEO has learned that to have faculty representatives sitting on both sides, i.e., serving on both advisory boards, while not impossible to arrange, would present legal complications and, in the last analysis, be unwise. Therefore, GEO was now hoping that the faculty would constitute itself as a "neutral third party", however that could be accomplished.

In the subsequent exchange, members of the Assembly offered a number of comments for Mr. Ferrenz's consideration. "Neutral" might not be the best word, according to Professor Brockway, who stressed the amount of time faculty members spend on behalf of graduate students in general. Preferable might be the word "objective", Professor Lehmann suggested, adding that any feeling on GEO's part that the faculty representatives to the University Advisory Committee are "kept" by the administration would be grossly mistaken. Professor Olken, another of the three representatives, offered the suggestion that the GEO Newsletter warranted more careful editing concerning items that might antagonize the faculty, citing as a case in point a misleading statement printed recently about faculty salary increases (information which Mr. Ferrenz stated, however, had been obtained from the University Record). In any case, Professor Lands remarked, since the problem seemed to lie in promoting freer communication and a more adequate flow of information, the Assembly would appreciate any suggestions on this score. Agreeing that such was the case and indicating that the GEO Newsletter was limited in its resources, Mr. Ferrenz expressed the hope that an impartial group of faculty members would observe the public meetings and that the Assembly would serve as a relatively objective body. Thanking Mr. Ferrenz for the opportunity to discuss these matters, Chairman Cohen invited general discussion.

A motion offered by Professor Kaplan and seconded asked that SACUA be instructed to explore the possibility of establishing a mediating faculty committee to deal evenhandedly with the two parties in the bargaining process. Commenting on the proposal, Professor Edwards, of the Law School, felt the motion would still represent a conflict of interest as well as a possible claim of unlawful interference or assistance, the faculty being in fact already aligned with the administration as quasi-employers of students. Even were the three faculty representatives to withdraw, legal difficulties would still exist, he felt; one cannot align

oneself with those one supervises. Taking note of Professor Edwards' comments, Professor Johnson saw the committee called for in the motion as being perhaps desirable though not necessary, stressing instead the need for the faculty to preserve its integrity while still being free to speak out. Subsequently the Kaplan motion failed by a vote of 26 to 4.

ADJOURNMENT

Wishing the members of the Assembly a Happy New Year, the Chairman adjourned the meeting at 5:40 p.m.

Erasmus L. Hoch
Secretary