

Minutes of 18 September 1995 Senate Assembly Meeting
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THE UNIVERSITY OF MICHIGAN
SENATE ASSEMBLY MEETING
MINUTES OF 18 SEPTEMBER 1995

ATTENDANCE

Present: Alvarez, Assanis, Awkward, Baker, Bike, Brandle, Brewer (Chair), Cebulski, Christiansen, Curley, D'Alecy, DeCamp, Driscoll, Dunn, Feld, Feldman, Flynn, Gobetti, Hessler, Hosford, Hultquist, Keyserling, Kibbie, Kleinsmith, T. Lee, V. Lee, Lohr, Lomax, MacAdam, Maloy, Marich, Marshall, McNamara, Meyers, Montalvo, Moore, Pastalan, Perakis, Potter, R. Redman, Rodriguez-Hornedo, Rogers, Rush, Sisson, Smith, Stockton, Taylor, Thornton, Todd, Volakis, Wahl, Ward, Wasserman, Whiting, Williams, Wyszewianski, Yeo, Zurier

Alternates:

John Dillery (for K. Sara Myers)
Alan Weder (for David Schteingart)
Frederick Beutler (for Wilfred Kaplan)

Absent: Akhoury, Briggs, Bryant, Burnham, Burnstein, Elta, Fox, Hinman, Howell, Kaplan, Kennedy, Martin, McClatchey, Mutschler, Myers, Oberman, Steneck, Stockton, Trianonsky

Chair Brewer convened the meeting at 3:18 PM.

MATERIALS DISTRIBUTED

1. Agenda
2. Draft minutes of the Senate Assembly meeting of 19 June 1995
3. Minutes of the Senate Assembly meeting of 15 May 1995
4. Minutes of the SACUA meeting of 22 May 1995
5. Minutes of the SACUA meeting of 12 June 1995
6. Minutes of the SACUA meeting of 17 July 1995
7. Item for Action: Approval of 1995-96 committee appointments
8. "Plans for Senate Assembly and Faculty Governance in the Year Ahead", by George Brewer, undated.
9. "Dear Senate Assembly Member" letter from G. Brewer, undated.
10. Items for Information, dated 18 September 1995
11. 1995-96 Senate Assembly seating chart
12. 1995-96 Senate Assembly membership list, revised 24 August 1995
13. "University of Michigan Senate Assembly Committees", dated September 1995
14. 1995-96 Senate Assembly Committee memberships, revised 21 August 1995
15. Faculty Grievance Report, 1983-1984; Draft 6, dated June 1995
16. U of Michigan Faculty Appeal Procedures flow chart, undated.
17. "The responsibilities of tenure: should there be sanctions for failure to perform adequately?" by G. Brewer, undated.

18. "Report on Faculty Retreat with the President June 1, 1995"
19. "The structure of Faculty Governance at the University of Michigan", dated August 1995.
20. Notice of Senate Assembly Reception
21. Notice of Speakers Series Schedule
22. Notice of Faculty Debates Schedule
23. Handbook of Faculty Governance, dated 1992
24. "Tenure and its Responsibilities" by T. Dunn, dated 18 September 1995

The minutes of 15 May 1995 were approved as submitted.

ANNOUNCEMENTS

Chair Brewer called attention to printed notices distributed to members of the Senate Assembly. He noted some changes in dates of Senate Assembly meetings during Fall Term in order to accommodate the schedules of some invited speakers. Brewer extended his thanks to Professor Ejner Jensen, who had helped arrange the visits of speakers in a cooperative venture between the Senate Assembly and the office of the President. Brewer also reminded members that Senate Assembly meetings would feature a series of point-counterpoint discussions, intended to enliven the meetings and to highlight important topics. He added that the discussions were an experimental addition, and that their features could be changed depending on experience and success.

APPROVAL OF NEW SENATE ASSEMBLY MEMBERS

Chair Brewer called attention to the slate of committee appointments brought by SACUA to the Senate Assembly for approval. Professor DeCamp suggested that members of SACUA who act as liaisons to committees should be offered for approval, as well. He referred to SACUA minutes (17 July 1995) reporting that SACUA had affirmed the policy that all SACUA liaison members to Senate Assembly committees would be voting members unless it is stipulated that they are non-voting. DeCamp made the motion (Maloy seconded): SACUA liaison members to Senate Assembly committees will be submitted to the Senate Assembly for approval.

The active motion was approved without dissent.

Chair Brewer called for a motion to accept the slate of committee appointments offered by SACUA. The motion was offered, and was approved without dissent.

GRIEVANCE PROCEDURE REVISIONS

Chair Brewer transferred the chair to Professor T. Moore for presentation of the report from the Faculty Grievance Committee. Moore reported that the report offered to the Senate Assembly had been accepted by SACUA at its meeting of 11 September 1995. He acknowledged the effort and participation of Professors A. Montalvo and L. D'Alecy as members of the report committee. Moore referenced the draft report offered to Senate Assembly (item 15) and also a flow chart which summarizes the new proposed model (item 16). He explained that this report represented an introduction to the proposal, with opportunity for initial discussion, but that full discussion and action was scheduled for the October meeting of the Assembly. He further reported that by action of SACUA, he, as well as SACUA member D'Alecy, and T. Schneider, had met with acting Provost Machem and two of Machem's assistants. Moore characterized the meeting as cordial. Moore reported that the acting Provost had acknowledged

that revisions were needed in the existing grievance procedures. Moore said that the proposals offered by the faculty were somewhat different than what the administration claimed it had in mind. Moore invited all members to study the report and to offer recommendations for improvement on any points valuable to the faculty. He noted that the recommended presence of a faculty monitor within the procedure was intended to ensure advocacy of due process, rather than any substantive point of view. He noted that the proposal offered by the faculty would guarantee that final decisions within the university would be made by a faculty committee. Moore then invited questions from the floor.

Professor Feldman asked who has authority to make decisions about procedures approved by the Senate Assembly. Moore replied that, based on previous experience, individual units may adopt the model. He said that authority to adopt the model existed within the units. Feldman asked if the Regents were involved. Moore replied that they were not involved directly.

Professor DeCamp asked if it were intended that Senate Assembly members bring the proposal to their units for discussion, and then to return with comments, prepared for discussion. Moore replied that he hoped that everyone so inclined would do so.

Professor Lohr asked if the proposed procedure would transfer authority for the Regents regarding tenure decisions. Moore replied that the report specifically made exception to tenure decisions, but that faculty might argue that mistakes were made in evaluating the documents, or that a new review might be held. He added that proposed changes were invited from the Assembly members.

Moore returned the chair to Professor Brewer.

POINT-COUNTERPOINT ON RESPONSIBILITIES OF TENURE

Chair Brewer declared that he felt that the document offered last year by the Tenure Committee ("Toward a Definition of Tenure") needed more discussion. He said that he hoped that a point-counterpoint discussion would thoroughly lay out the issues. He said that the speakers were taking strong positions for purposes of debate, and that the argumentative points did not necessarily represent the firm convictions of the speakers personally. Rather, he said, this was intended to stimulate discussion in anticipation of a further model document from the Tenure Committee developing a definition of tenure.

Brewer yielded the chair to Professor Moore, and Brewer made the opening argument. Brewer explained that he was not advocating performance reviews for the 95% of the tenured faculty who were performing well, including all members of the audience. Further, he said he argued only for adopting the concept of performance reviews; the details and specifics could be added later. Brewer then identified those he called the "targeted faculty". He referred to a standard normal Gaussian frequency distribution, and explained that he was talking about the 2.5% of the faculty who fell 2 standard deviations below the mean with respect to some variable. He said it was vital that the performance evaluations be conducted by faculty peers. Brewer said that for the protection of tenure generally it was critically important that we begin to "police it". Brewer said that his proposal was that the Chair's annual review would be a mechanism for triggering the process he advocated. He said that series of reviews far below expectations would trigger the performance review. Outcomes of the performance review initiated at the Chair's behest could be (1) no recommendation, (2) additional time granted for the targeted individual to recover performance, or (3) sanctions. Sanctions could include no raises, loss of perquisites, loss of space, or loss of salary. Brewer presented a table listing universities that were contemplating or which had approved post-tenure reviews of faculty (see appendix). He referred specifically to

the University of Kentucky which he said used the model he was advocating. There, he said, the institution was consistently reviewing consistently low-rating professors; at the present time he said that 5 of 350 professors in their School of LSA were under scrutiny.

Professor Dunn provided the initial commentary for the counterpoint argument. Dunn remarked that the preceding discussion dwelt on generalities, but that sooner or later the reality of details would have to be confronted. Dunn developed an argument in two parts, dealing with (1) the principles behind his position, and (2) the pragmatics and costs of applying sanctions advocated by his opponents. Dunn's remarks were distributed to Senate Assembly members (item 24).

Professor Brandle then took the floor and explained that he was not talking about yearly reviews, but rather about very low performance. He said that he did not seek a set of global rules, but rather an evaluation process that could be made specific for a person and a unit. Brandle illustrated his argument with a diagram showing people of different size inside a box that he said represented an academic unit with a roof that could move up and down according to the actions of people beneath it. He called attention to a diminutive individual who he said was the object of concern because he influences the people around him. He suggested that review and performance evaluation with sanctions would be therapeutic in that it would lift that person higher than they could do on their own.

Professor D'Alecy offered final remarks for the counterpoint position. He made an analogy between his opponents' arguments and a fear of "monsters in the basement". He explained that the University administration was beset with fear that abolition of mandatory retirement would cause the university to be overrun with "gray-haired, mind-dead sloths". He suggested that if there really was a problem infesting 2.5% of the faculty, we should turn the light on, and seek hard evidence for the existence of this "monster". He asserted that there was currently no evidence of abuse offered and that we should not be destroying America's fine universities for the unseen monsters in the basement.

D'Alecy pointed out further that administrators come and go from institutions with short time frames and alternative goals, but that the faculty anchor and constitute the university. He argued that the institution would be forever ruined if its faculty were made to live under the tyranny of arbitrary and capricious administrative codes and sanctions. He said that once any rule or responsibility of tenure is written, academic freedom is automatically restricted. He said that before the ink dries, the rules would age and be replaced. D'Alecy argued that the responsibilities of tenure are dynamic, and that they are based on principle, integrity, and personal recognizance. Codifying the responsibilities, he claimed, demeaned their existence.

Professor McNamara took the floor and expressed his opinion that Professor Brewer's position on review and sanctions sounded persuasive because it suggested by analogy that the professoriate was a professional association that developed its own standards and ethics. He pointed out, however, that professors were in reality not within a free professional association, but that they were regarded and treated as employees of a management group that runs the institution. He pointed out further that if one wished to assert (not that one necessarily would do so) that (1) there is more dead wood in administration than in faculty, (2) there is more need for performance review of administration than of faculty, (3) information at the university is controlled by a flack, or (4) the institution is driven by a president who exhibits signs of megalomania, then the individual would be grateful for having tenure. McNamara explained that he personally had no desire at the moment either to make such assertions or to attack tenure, but

that he supported the positions of Professors Dunn and D'Alecy for the reasons they had expressed.

Brewer responded to several previous comments. He explained that because the reviews he advocated would be conducted by faculty, the rhetoric about what the administration was doing to the faculty was irrelevant. He said further that he specifically rejected any effort to codify standards for performance. Rather, he said, we would ask peers if whatever the targeted faculty member was doing in terms of teaching or scholarly activity was adequate, but that no effort should be made to define the usual, general responsibilities that faculty have.

Professor Dunn replied that the university administration has already laid out the norms for faculty evaluation in ways that mandate that effort be applied in certain directions, such as to writing papers, teaching students, and obtaining grants. He explained that most of the mandates were motivated not by concern for scholarly work, but rather by a corporate mentality and concern for finance. He acknowledged that a sense of finance was important, and he noted that even if the first stage were carried out by the faculty, the administration would still be involved in executing the recommendations. Dunn said that even if Brewer resisted codifying measures of performance at this stage, under his model sooner or later the targeted individual would have to be charged with something. He said that under the circumstances he thought that the existing Regents' rules were perfectly adequate, with their guarantees of due process.

A professor from the audience commented that within the medical school annual performance reviews were already a feature.

Professor Brandle responded that the reviews just described were for everybody. He said he was concerned with individuals whose performance had fallen very low. He said that these people should be helped because they are a drag on the unit. He noted that outside the university many people are fired when in fact they could be helped. Professor D'Alecy commented that a review process by the department chair is already in existence. He stated that if a particular chair is failing to conduct adequate review of the faculty, with corrective remedies as needed, it is the chair who should be replaced.

Professor Brewer replied that it is very hard politically for a chair to do some of the things that they "have on the board". As a department chair himself, he added that if some of the sanctions he offered were to be imposed, he would prefer to have a faculty peer group doing it.

Professor D'Alecy responded that he believed the effort and ability required of a chair were not overly onerous.

Professor Maloy suggested that if the proponents of review with sanctions replaced the term "police" with "responsibility" then the concept might be more acceptable. He said that if the faculty would accept responsibility for full governance, then some mechanism would have to be developed. Professor Lohr asked how frequently the provisions of Regents' Bylaw 5.09 are invoked. Professor Moore replied that he believed it had been invoked once in its history. Professor Brewer added that 5.09 procedures were analogous to capital punishment, but that he was talking about something short of that which could be used to bring the faculty member back on line.

Professor Feldman commented that in her unit evaluations were commonly conducted by faculty, in a mutually helpful fashion. D'Alecy responded that no one disputed the merits or necessity of regular, existing evaluations, but that what was being resisted was putting tenure on the table with every evaluation.

Professor Barnard invited the speakers to define tenure. She noted that the existing situation in the Regents' Bylaws was analogous to defining marriage as the reverse of divorce.

Professor Brandle replied that tenure was not clearly defined, but it exists. He added that none of the speakers wished to take away tenure, rather they wanted to improve the climate within the tenure situation.

A member of the audience commented that one important feature of the professoriate was its individual and intellectual diversity, a feature that would be sacrificed if the faculty were made to march in lock step to established priorities.

Professor Gobetti said that chairs and deans already review the faculty, and he expressed the opinion that if the faculty join in an exercise which brings sanctions it would play into the hands of the administration, who might like nothing better than to have the faculty tear itself apart. He drew an analogy with a combat situation in which you find your allied combatant holding a knife to your throat. He suggested that the faculty should act in collective defense of its own institution.

Professor Brewer replied that his proposals were not a ploy of the administration. Rather, he said, there were a few cases of abuse that needed to be corrected for the good of the system. Professor Dunn cautioned that it was very dangerous to take the view that it is always the other guy who needs to be sanctioned, that the targeted individuals are not within the assembled group, but rather that they exist unseen elsewhere.

Professor Stockton suggested that it would be helpful if department chairs were asked to develop case studies in which identities were disguised so that the Senate Assembly might evaluate the extent of the purported abuses.

Professor Moore closed the discussion and expressed thanks to all participants. Moore returned the chair to Brewer.

OLD BUSINESS

No old business was presented.

NEW BUSINESS

Chair Brewer announced that a proposal had been distributed calling for honorary seating of selected guests at Senate Assembly meetings. He said that discussion and action on the proposal would occur at the next meeting. No other new business was introduced.

ADDRESS TO SENATE ASSEMBLY BY PRESIDENT DUDERSTADT

Chair Brewer introduced President Duderstadt, who delivered a talk entitled "Beyond the Leaders and Best". At the conclusion of his remarks, the President invited questions from the audience.

Professor D'Alecy commented that President Duderstadt had indicated a future role for the university in K-12 education, and asked about the international aspect of graduate education as it may influence the university. Duderstadt replied that most activities at the university were international, and that American higher education acts as educator to the world. He added that he believed that the international emphasis would not be sustained by the domestic society. He said he has emphasized K-12 education because the end of the Cold War has brought erosion of many of the structures that maintained higher education. He said that at present the UM's various constituencies regard problems with primary and secondary education to be as compelling an issue as the Cold War was in its time. He suggested that society was expecting universities to play a role in improving the situation.

A member of the audience asked if the UM was pricing itself out of reach with consistent increases in tuition charges. President Duderstadt replied that the market place would constrain prices to some extent, but he noted that the UM's current pricing was one-fourth to one-third that of peer, private institutions. He said we rarely compete with other public universities, and that of those peers, the institutions are rapidly evolving into public-private hybrids that are state-related rather than state supported. Duderstadt said that he expected to see continued equilibration of public and private tuition levels, and that private levels would receive pressure to maintain their inflation within the CPI. He stated that such eventualities would place a premium on cost factors and on the keyword "productivity". The challenge, he said, was that no one has ever told us what productivity is. He said it needs to be defined because there will be pressure on us to do more with less.

Professor Brewer commented that it sounded as though President Duderstadt advocated a new direction and set of priorities for the university, rather than steady improvement on its present trajectory. The president replied that he thought it was time to explore by experiment a number of possible roads to the future. He expressed the opinion that the strength and breadth of the Michigan faculty would prove capable of attracting friends and support world-wide. He said that he wished to encourage new visions that bubble up from the faculty because some of those visions might lead us to what the university will become in the next century.

Professor Taylor asked how the future of the university might be affected by changes that occur in governmental institutions. President Duderstadt replied that opinions have been expressed that the management of American universities has become complacent after years of monopoly of the educational enterprise. He declared that Michigan's competition in the future may not be Harvard, Stanford, or Berkeley, but rather Microsoft, Time-Warner, Disney, or other giants of the "edutainment" business. He suggested that universities could be challenged from the private sector through development of inexpensive education and training programs, and through an evaluation process based on competence rather than conferral of degrees.

Chair Brewer concluded discussion and invited the audience to a reception immediately following.

The meeting was adjourned at 5:15 PM.

Respectfully submitted,

John T. Lehman
Senate Secretary