

THE UNIVERSITY OF MICHIGAN

SENATE ASSEMBLY

Minutes of the Special Assembly Meeting, October 4, 1971

ATTENDANCE

Present: Abrams, Allen, Stolz, Anton, Asgar, Buning, Bertolaet, Birch, Bishop, Cohen, Ledger, Cooperrider, Cornish, Hildebrandt, Darvas, Ehrenkreutz, Goodman, Graebel, Heller, Higgins, Hinerman, Hood, Huntington, Colburn, Kerr, Kish, Lind, Lloyd, Longone, Magee, Meyer, Michelsen, Overseth, Paul, Pollack, Preston, Rucknagel, Ryder, Sana, Sandalow, Sawyer, Scherer, Schulze, Schuman, Verheyen, Wilkes, Youngdahl, Zweifler, Kincaid, Norman

Absent: Bett, Bowditch, Bowman, Castor, DeKornfeld, Dowson, Reade, Franken, Hauenstein, Iglehart, Kahn, Krachenberg, Hafter, Nystuen, Rigan, Moore, Simpson Smock, Votaw

Guests: Members, Classified Research Committee and Research Policies Committee

CALL TO
ORDER

This special meeting, a continuation of the regular meeting on September 27, was called to order by Chairman Warren Norman at 7:35 p.m. in Dow Auditorium, Towsley Center.

ANNOUNCEMENTS

Chairman Norman announced that requests had been received (1) from the chairman of the Classified Research Committee to address the Assembly, and (2) to add a new item to the agenda for this meeting. He explained that the first request required approval by a majority, and the second required approval by a two-thirds vote of the Assembly.

REVIEW OF
STATUS OF
BUSINESS

The chairman reviewed the status of business at the close of the previous session in which the Assembly voted to substitute the proposal offered by Professor Schuman for the Report of the Research Policies Committee. In order to provide for consideration and amendments to the Schuman resolution at this special session it was proposed by SACUA that (1) the Assembly consider the substance of any additional proposals or amendments in the order of items stated in the Schuman resolution without concern for fine details of wording, and (2) a drafting committee be appointed to provide these details of wording and consistent form to the statement for final consideration at the next regular meeting of the Assembly.

In response to an inquiry from Professor Cohen regarding the intent of SACUA for the proposed drafting committee, Professor Sandalow explained the concern that inconsistencies and omissions could result from Assembly actions and that the drafting committee should concern itself with the principles agreed upon by the Assembly plus other necessary details, perhaps some from the Report of the Research Policies Committee, in order to produce a good document.

Professor Sawyer expressed his concern that the Report of the Research Policies Committee rather than the substitute Schuman resolution be considered by the Assembly. His motion, supported by Professor Buning, to table the Schuman proposal failed by vote of 15 for and 28 opposed. Professor Wilkes then expressed his opinion that the Assembly had lost some of the credibility attributed to it in light of this dismissal of the Report of the Research Policies Committee and that work on such a committee lacking credibility would in the future be considered a poor use of time. To this Chairman Norman replied that the work of the Research Policies Committee was not in vain or wasteful, that the Assembly had been fortunate to have had the services of this Committee, that it is the nature of the Assembly to limit such reports and dispose of them as it sees fit, that the Assembly has accepted, amended, or limited reports of its committees in the past, and that the present action should not be interpreted as dissatisfaction with the actions of the Committee.

CONSIDERATION
OF SCHUMAN
RESOLUTION

Professor Schuman rose to clarify some points and offer suggestions for changes in the original draft of the resolution before the Assembly. Among these, he called attention to the title which specifies Classified Research and noted that his resolution did not pretend to deal with any other kinds of research. Further, he pointed out that the Review Committee proposed would not do away with the Classified Research Committee but proposes to make use of the present expertise of this Committee and expand it to include student representation.

Following a motion by Professor Schuman, supported by Professor Colburn, there was general acceptance of the opening sentence he proposed as an introduction: "The following policies and procedures shall apply to classified research at the University:"

A motion by Professor Schuman, supported by Professor Cohen, to add an eighth paragraph to the resolution was withdrawn after Chairman Norman concurred with Professor Wilkes who raised a point of order regarding consideration of this addition prior to acceptance of the original resolution.

Professor George Kish, Chairman of the Classified Research Committee, asked and was granted permission to speak to the Assembly. He read the following statement:

"The Classified Research Committee operates under rules established by the Senate Assembly and the Regents of the University. (See minutes of Senate Assembly meeting, 18 March 1968, and minutes, Regents' meeting, April, 1968). Our role is to give advice to the Vice-President for Research on proposals involving classified research. If such a proposal does not receive seven (7) affirmative votes, the Classified Research Committee has not given favorable advice. Under the rules established by the Senate Assembly if such a proposal is then forwarded to the sponsor by the Vice-President for Research, the Committee reports such action to the Senate Assembly. (See Report of the Senate Assembly Committee on Research Policies dated 16 January 1968, known as the Elderfield Report, Recommendations for Action, Part B (2))."

POLICY I

Policies stated in the Schuman resolution then were considered in sequential order. Policy I was accepted as presented:

"It is the general policy of the University not to enter into or renew federal contracts or grants that limit open publication of the results of research".

POLICY II

Professor Sandalow, supported by Professor Kish, moved that in Policy II the words "will so significantly contribute to the advancement of knowledge" be substituted for "can be shown". This was opposed by Professor Cohen and Scherer and supported by Professors Kerr and Verheyen. The amendment to the amendment, substituting "is likely to contribute" for "will so," moved by Professor Wilkes was accepted by Professors Sandalow and Kish. The vote on the amendment to Policy II passed by a 25 to 17 vote, and there was general concurrence with acceptance of Policy II amended to read:

"The general policy stated in paragraph I will be suspended only in cases where the proposed research is likely so significantly to contribute to the advancement of knowledge as to justify infringement of the freedom to publish openly. In all cases the burden of proof rests with the faculty member who proposes the contract or grant."

POLICY III

It was moved by Professor Verheyen, supported by Professor Huntington, that Policy III (I in the Elderfield Report) be corrected to include the words "or clearly foreseeable results" as shown in the March 22, 1971 minutes of the Senate Assembly. Professor Bernstein called attention to page 5 of the Report of the Research Policies Committee which carried this as a recommendation. Acceptance of Policy III with the addition of these words was voted overwhelmingly:

"The University in its endeavors through research to broaden knowledge will not enter into any classified research contract the specific purpose or clearly foreseeable result of which is to destroy human life or to incapacitate human beings."

POLICY IV

After some discussion of the necessity of making clear that Policy IV (II in Elderfield Report) pertains to classified research by Professors Huntington and Cohen, it was accepted with the suggestion by Professor Sandalow that this matter be left to the drafting committee to clarify.

"The University will not enter into any contract which would restrain its freedom to disclose (1) the existence of the contract, or (2) the identity of the sponsor, and if a sub-contract is involved, the identity of the prime sponsor."

POLICY V

Policy V (III in Elderfield Report) was accepted without change.

"The University will not enter into any contract which would restrain its freedom to disclose the purpose and scope of the proposed research (1) to permit informed discussion concerning the appropriateness of such research within the University and (2) to apprise colleagues in immediate and related disciplines of the nature and importance of the potential contribution to the disciplines involved."

POLICY VI

Professor Rucknagel opened discussion on Policy VI by pointing out that this policy made it possible to justify research on the basis that it contributed to enhancing the research capability of the investigator. He, therefore, moved, supported by Professor Bishop, to strike part 2 "that it will contribute significantly to enhancing the research capability of the investigator or his research unit." Discussion which followed concluded with Professor Scherer pointing out that the policy as stated was completely redundant except part 2 which did bring in a new issue. Following this Professor Rucknagel, with the concurrence of Professor Bishop, withdrew the above motion. Subsequently he moved, again supported by Professor Bishop, to strike all of Policy VI. Some discussion followed considering whether it was the intent of the Assembly to limit "access only" research. Professor Cohen urged elimination of this policy statement, not only to avoid redundancy but also to reduce confusion and inconsistency. The motion passed with two dissenting votes.

POLICY VII

Policy VII was considered at length. Professor Lind, supported by Professor Magee, moved deletion of the word "all" in paragraph (c) requiring two persons philosophically opposed to classified research on the Review Committee. After brief discussion this was voted unanimously.

PARAGRAPH C
DELETION
FAILS

It was moved by Professor Magee, supported by Professor Buning, that all of paragraph (c) be deleted since it seemed to imply a lack of trust in faculty members. Professor Cohen spoke against the motion, expressing the opinion that rather than lack of trust in faculty he feared they might become captives of the agencies they represent and that it was important that all points of view be represented. Professor Magee argued that it would be better to select a good committee representative of the faculty regardless of individual philosophy for or against.

Professor Colburn spoke against the motion and cited Roberts' Rules of Order on investigative or review committees which indicate that all factions should be represented, which paragraph (c) assured, he asserted. Professor Kerr indicated that in his interpretation of the Roberts' statement it appeared to favor the Magee motion.

Professor Rucknagel also spoke against the motion pointing out that the value judgments involved should not be ignored, that it was proper to include representation of both sides of a question without feeling this stacked a committee, that this merely assured recognition of all interests. Professors Schuman, Asgar, and Goodman also spoke against the amendment.

The motion to delete paragraph (c) failed by a vote of 18 for, 24 against.

PARAGRAPHS
A, B, C, SUB-
STITUTION
DEFEATED

Professor Kerr, supported by Professor Wilkes, moved that paragraphs (a), (b), and (c) be deleted and be substituted by the statement, "There will be twelve members broadly representative of the University community." An amendment to this amendment that "in terms of discipline" be substituted for "community" proposed by Professor Goodman was accepted by Professors Kerr and Wilkes. Professor Paul asked if this was to be interpreted to mean faculty, students, administrators, or others.

Professor Schuman indicated he was thoroughly opposed to this amendment and Professor Kish termed it inconsistent with the debate on the inclusion or exclusion of extremes in point of view. He saw these paragraphs as guides to the Assembly as to how appointments were to be made. Professor Cohen and Rucknagel urged defeat of this motion.

The motion to delete paragraphs (a), (b), and (c) to amend with the substitute statement was defeated by a large margin.

PARAGRAPH B
AMENDMENT
VOTED

Professor Buning, supported by Professor Cohen, moved that the first sentence of paragraph (b) be amended to read: "Two members shall be faculty involved in classified research at the time of their appointment to the Committee." Professors Asgar and Preston spoke in favor of this amendment.

Professor Cohen moved to amend the amendment by adding "if it be feasible." Professor Schuman supported this motion and suggested the statement be correct to read: "The Assembly will attempt to include two persons who are engaged in classified research at the time of their appointment to the Committee. The other eight members shall otherwise be broadly representative of the University community."

The motion to amend paragraph (c) to read as above passed with little dissent.

PARAGRAPH E
AMENDMENT
DEFEATED

Professor Huntington, supported by Professor Kish, moved that paragraph (e) be amended by adding: "In cases where fewer than seven votes are received, copies of the research proposal and the work statement of the sponsor be sent to all members of the Assembly." After a brief discussion in which Professor Magee questioned why this should be required when it is not obligatory that all committees report to the Assembly and Professor Wilkes questioned the positive value of such action, the motion was defeated by a large number of votes.

PARAGRAPH D
AMENDMENT
DEFEATED

Professor Scherer, supported by Professor Lind, then moved to amend paragraph (d) to read "must obtain at least nine votes" in place of "seven votes." This was questioned by Professor Magee who felt that such action would seriously limit the freedom of getting anything through the Committee, especially since previous action requires that two members be philosophically opposed to classified research. Professor Wilkes, Kish, Asgar, and Kerr all spoke against the motion which was defeated by a large vote against.

The Committee will be composed according to the following criteria:

- (a) There will be twelve members, nine faculty elected by the Senate Assembly and three students.
- (b) The Assembly will attempt to include two persons who are engaged in classified research at the time of their appointment to the Committee. The other eight members shall otherwise be broadly representative of the University community.
- (c) The Assembly will attempt to include on the Review Committee two persons who indicate that they are philosophically opposed to classified research.
- (d) A proposal must obtain at least seven votes in order to be exempted from the general policy stated in paragraph I.
- (e) The Committee will make public full minutes of its discussions and a record of its votes.

ADDITION -
NEW POLICY
VII VOTED

Professor Schuman, supported by Professor Cohen, moved the following amendment as Policy VII:

"It is the sense of the Senate Assembly that no proposal for classified research shall be forwarded to the sponsor by the University Administration that has not been formally approved by the Classified Research Committee."

Professor Sandalow expressed his opposition to the motion and his preference for number 5 in the Meyer-Kish statement of proposed motions on procedures of the Classified Research Committee distributed to the Assembly. The vote on the motion, however, was favorable.

MEYER-KISH
PROPOSALS
DEFERRED

Professor Scherer pointed out that many of the Meyer-Kish proposals were consistent with the guidelines developed internally by the Classified Research Committee. He proposed they be deferred for later consideration. Professor Meyer concurred and indicated he would offer no proposals at this time. He proposed they be held for the next Assembly meeting. There was general agreement.

APPROVAL
OF SCHUMAN
RESOLUTION

Professor Kerr moved that in view of the ambiguity of language at present, the Schuman resolution as amended be sent to a drafting committee who would polish the statement and present it to the Assembly at its next meeting. Professor Schuman expressed hope this would not postpone approval of his proposal. Professor Cohen pointed out that actually the Assembly had not approved any of the statement but merely had expressed intent to act in certain ways, and that while he recognized the need to see the final draft, there was need presently to approve the resolution. Professor Rucknagel suggested that the Assembly vote approval of the resolution with consideration of the final draft at its next meeting. He offered as an amendment to

Professor Kerr's motion "The Senate Assembly approved the Schuman resolution." This was supported by Professor Kish. Professor Asgar, supported by Professor Sandalow, moved an amendment to the amendment to insert "in general" before "approves." These amendments were accepted by Professor Kerr. A favorable vote was recorded on the restated motion:

"Senate Assembly in general approves of the Schuman resolution which is referred to a drafting committee who will prepare the statement in final form for consideration of the Assembly at its next meeting on October 18."

RESOLUTION
ON WAR
MORATORIUM

The Assembly agreed by more than the necessary two-thirds vote to act on the request for a resolution endorsing the Vietnam Moratorium as a special order of business. Professor Mann of the Psychology Department, one of the organizers of the program, referred to the action taken by the Assembly on the last similar occasion two years previously, and suggested that the simplest procedure would be to pass a similar resolution with the date changed to October 13, 1971. Accordingly, the following resolution was moved by Professor Lind and seconded by Professor Lloyd:

The members of the Senate Assembly encourage faculty and students to feel free to participate in the activities of October 13, 1971 which have as their purpose to focus the attention of the nation, and especially its political and military leaders, on the need for an end to the Vietnam War.

The Assembly further urges all members of the University community to devote their intellectual energies, through the special opportunities provided on that day, to consider ways in which to focus the resources of the University on the problems of war cessation.

If such participation by a faculty member leads to an absence from his usual responsibilities, the Assembly urges that each faculty member so affected take the appropriate steps to reschedule his responsibility to the University for teaching, research, and service.

No opposition developed, and the motion was passed on a voice vote.

COMMENDATION
TO RESEARCH
POLICIES
COMMITTEE

Professor Rucknagel said that he felt it was appropriate to express appreciation to Professor Bernstein for the work done by the Research Policies Committee in preparing its report. He added some further remarks in a like vein, accompanied by general applause.

Professor Bernstein replied that he had had quite an education in seeing how the Assembly worked. He said that he was personally satisfied with the decision that had been made, but that the committee was left with a difficult question of what to do about proprietary research.

ADJOURNMENT

The meeting adjourned at 11:40 p.m.

Robert A. Bowman
Secretary pro tem