

THE UNIVERSITY OF MICHIGAN
SENATE ASSEMBLY

Minutes of Assembly Meeting, October 20, 1975

ATTENDANCE

Present: Professors Adams, Baublis, Bornstein, Browder, Brown, Child, Christensen, Cohen, B., Cohen, C., Corpron, Cosand, Mohler, DeKornfeld, Dernberger, Smith, Gray, Guinn, Harris, Horsley, Jones, Kachaturoff, Kaplan, Kell, Kelsey, Kessler, Kish, L., Leary, Lehmann, Olson, Lindberg, Livermore, Lytle, Magrill, Millard, Aupperle, Seger, Sherman, Terwilliger, Votaw, Weeks, West, Williams, Colburn, Johnson, Hoch

Absent: Professors Berki, Bishop, Cornell, Deskins, Eisley, Flynn, Gikas, Hildebrandt, Hoffman, Ilie, Kish, G., Lands, Lucchesi, Mullen, Murphey, Nesbitt, Proctor, Tubergen, Seligson, Sibley, Soucek, Springer, Stross, Taren, Van der Voo, Wilson.

Guests: Professors Wallace Berry, Edward Bordin, Eugene Feingold, Sally Lechlitner

CALL TO ORDER

The Assembly was called to order at 3:21 p.m. by Chairman Johnson who, with the concurrence of its members, proposed a slight change in the order in which the agenda items were to be considered.

APPROVAL OF
MINUTES

The minutes of the Assembly meeting of September 22, 1975 were approved, with Chairman Johnson suggesting that item h of page 2 indicate that inclusion of the Statement of Fair Procedure in the Faculty Handbook had been offered as a suggestion by SACUA.

ANNOUNCEMENTS

Commenting on the recent meeting of the Board of Regents, Chairman Johnson noted that, in connection with the report of the Commission to Study Student Governance, the Regents had authorized the calling of a constitutional convention, as proposed in Recommendation C12. He reported also that, with respect to matters involving the economic status of the faculty, the Regents had endorsed a compensation request of approximately 12% for 1976-77.

Called upon to comment on the activities of the committee that is reviewing the CRISP system of registration, Professor Lehmann, who serves on the committee as SACUA's representative, indicated that an interim report would be forthcoming shortly. The latter was to be based on this fall's experience with the system as it bears on the registration procedure for the winter term. Comments and suggestions, he added, would be welcomed by the committee.

ASSOCIATION
OF MICHIGAN
COLLEGIATE
FACULTIES

In introducing the matter of representation in the Association of Michigan Collegiate Faculties, Chairman Johnson called attention to the resolution being proposed by way of initiating a more appropriate procedure for the selection of our delegates. Called upon to comment, Professor Kaplan, who has been active in AMCF affairs, stressed the importance of effective participation in the Association, something the

proposal under consideration was intended to accomplish.

Professor Lehmann moved adoption of the resolution, which, having been seconded, was subsequently approved unanimously, as follows:

SACUA shall nominate, for the consideration and approval of the Senate Assembly at their annual June meeting, two delegates to AMCF--their terms to begin on September 1. In June of 1976 one delegate shall be elected for a one-year term and one for a two-year term. Thereafter one delegate shall be elected each year for a two-year term. Further, SACUA shall be empowered to appoint an alternate delegate for a one-year term beginning in September of each year.

ELECTION OF
NOMINATING
COMMITTEE

Since Professor Cohen, currently a member of SACUA, will be on leave during the winter term of 1976, the Assembly was being asked to elect a nominating committee that would present a slate of two from which to choose his replacement. The committee would subsequently turn its attention to preparation of a six-person slate from which three would be elected by the Assembly in spring to replace those members of SACUA whose terms will expire at that time.

From the roster of those eligible to serve, the Assembly elected as its nominating committee the following:

Professors Paul Gikas, Lois Hoffman, Paul Ilie, Wilfred Kaplan, George Kish, and RoseMary Magrill.

REPORT OF
COMMITTEE TO
ASSESS THE
PERIODIC
HEALTH
APPRAISAL
UNIT

The Assembly was pleased to greet Professors Feingold and Lechlitner, chairman and member respectively of the Committee to Assess the Periodic Health Appraisal Unit, whose report had been distributed to the members of the Assembly previously. Chairman Johnson suggested that the visitors make such introductory remarks as they might wish.

Eligibility for periodic health examination has tripled since 1956, Professor Feingold indicated. One consequence is that the comprehensive examination, originally intended to be administered every three years, was now available only at six-year intervals, while the briefer annual examination was likewise beginning to run behind schedule. A significant limiting factor is the amount of physician time available. The problem is not only a budgetary one; it has simply not been possible to recruit the necessary services of physicians.

As Professor Feingold pointed out, the examining process had been aimed at early diagnosis by way of making effective intervention possible where indicated. However, data available at this point are limited, and information about similar plans elsewhere indicates that such intervention occurs less often than is desirable. Hence, the committee had proposed a number of steps that would increase the effectiveness of current procedures. It recommended, for example, that the examination process be redesigned, so that, rather than consisting of a standard procedure for all, it would be related to personal risk factors (such as

age and previous history). In this connection a properly constituted advisory committee could be of great help. It was recommended, too, that in view of the shortage of physicians' services, the Periodic Health Appraisal Unit rely for the bulk of its services on such non-physician personnel as nurse-practitioners, thus not only meeting the recruitment problem but also lowering cost. A third, and major, recommendation of the committee had dealt with the problem of follow-up and intervention (via, for example, a series of clinics), so that the periodic health examination could be tied into an intervention system.

As a member of the Committee on the Economic Status of the Faculty as well, Professor Lechlitner pointed out that, in reviewing the proposals of the Committee to Assess the Periodic Health Appraisal Unit, CESF had been impressed with the comprehensiveness and thoughtfulness of the report and its recommendations. The suggestion concerning the use of nurse-practitioners seemed an imaginative and practical measure for dealing with increasing costs, while the recommendation for a more individualized, rather than standard, examination had much to commend it. In only one respect did CESF have any reservations, namely, the proposal with respect to follow-up and intervention. Here, too, as Professor Lechlitner pointed out, CESF had no quarrel with the appropriateness of this phase of health maintenance per se; its reservation arose primarily out of uneasiness about the lack of information concerning the level of follow-up and intervention currently prevailing. The qualification therefore represented not a lack of support for the services of the Periodic Health Appraisal Unit but rather a desire for data regarding the extent to which follow-up and intervention services are, or are not, being obtained through other sources.

Neither committee had wished to minimize the cost factor, both Professor Feingold and Professor Lechlitner indicated. Both groups not only saw the use of nurse-practitioners as bearing on this aspect but also noted the possibility of recovering costs under existing health insurance coverage. CESF wished but to urge the caution that while it is studying the feasibility of a flexible fringe benefits program no changes that may prove to have unexpected and unintended costs be undertaken if there is the possibility that they would limit the degree of freedom with regard to a flexible benefits model.

In opening discussion from the floor, Professor Leslie Kish prefaced his remarks with commendation for the quality of the report under discussion. He did, however, express the hope that the cost factor would be seriously studied and that, for the purpose, appropriate data collection and analysis measures would be instituted, especially as a basis for the work of the advisory committee being proposed. On this count he was reassured by both Professor Lechlitner and Professor Feingold, the latter pointing out that his committee had actually seen the need for two advisory committees, one concerned with the nature of the examination itself, the other serving as the more general advisory group. In subsequent discussion of other aspects of the health appraisal program, Professor Feingold responded to comments by several members of

the Assembly with respect to such aspects as recovery of costs through users' health insurance coverage, possible relations with the University Health Plan (being studied currently by a subcommittee of CESF), and the use of advanced medical students in view of the difficulty in recruiting physicians.

A resolution offered by Professor Carl Cohen seemed to capture the general sentiment. While Professor Baublis hoped it would have placed greater emphasis on evaluation of the program and consideration of viable alternatives, the resolution, having been seconded, was adopted unanimously by the Assembly, reading as follows:

Senate Assembly endorses the report of the Committee to Assess the Periodic Health Appraisal Unit, with only that partial reservation noted by the Committee on the Economic Status of the Faculty;

Senate Assembly strongly supports the fundamental recommendation of the Assessment Committee: that the program of periodic health appraisal be retained, and, where feasible, improved.

On behalf of the Assembly, Chairman Johnson expressed appreciation to Professors Feingold and Lechlitner for their participation.

STATEMENT OF
FAIR
PROCEDURE

In introducing discussion of the Statement of Fair Procedure, developed by the Senate Advisory Review Committee and subsequently reviewed and approved by SACUA, Chairman Johnson pointed out that the document represented an outgrowth of the experience of SARC over the last five years. Many complaints had been handled informally. At the same time, administrators have indicated a need for a set of guidelines that would insure that faculty had been treated fairly. It should be remembered, therefore, that the Statement of Fair Procedure is meant to provide such guidelines rather than intended to represent official University policy, for a number of related documents exist, both at the unit level and campus-wide. Hence discussion by the Assembly was welcomed, following which, if the Statement were approved, copies would be distributed to deans, directors, and department heads. Thereupon Chairman Johnson invited Professors Bordin and Berry, SARC chairman and vice-chairman respectively, to introduce the subject.

In so doing, both stressed the notion that if, after discussion, the Assembly accepted the Statement, such action would represent a step toward reaching consensus in the University community with respect to fair procedure, creating a moral force and strengthening SARC's hand. In response to a question from Professor Corpron as to whether the document was meant to apply to both full-time and part-time faculty, Professors Bordin and Berry indicated that the specific question had not been addressed, while Chairman Johnson pointed out that the role of SARC is advisory and that, were the guidelines adopted, their application would be left to the units themselves. In this connection Professor Weeks underscored the time and thought that had gone into development of these guidelines, pointing out that they represented elementary

principles of fairness on which all should be clear, and that their dissemination was especially in order at a time when the academic situation is becoming more stringent and issues of the type handled by SARC will probably become more numerous.

Professor Bornstein, however, was worried about another aspect, namely, the degree to which details should be spelled out as explicitly as he felt the current document did. He wondered, for example, about the wisdom of listing the considerable number of conditions governing initial appointments, fearing that if someone were to cite just one of the elements as having been omitted in his or her situation, a case could be built on that basis. His concern, in other words, was with how minutely the sections of the document were meant to be applied. While in response Professor Bordin indicated that SARC felt keenly about the absence of any one of the elements noted, it was the committee's practice to look at situations in their totality, being concerned basically with the spirit of the relationship that existed in any case between the faculty member and the administrators. Nevertheless Professor Bornstein remained concerned about the degree to which spelling out details, as the Statement did, might result in a far greater number of cases. Granting that the document risked such a state of affairs, Professor Bordin observed that much more serious risks arise out of ambiguity and misunderstanding. The guidelines were therefore intended as a step in the direction of promoting understanding. In this connection Chairman Johnson reminded the Assembly that in its discussion SACUA had hoped that, if approved by the Assembly, the guidelines would receive careful study at the unit level, leading to improvement in existing policies and practices.

Though Professor Bornstein was still concerned about actual difficulties that could arise in the application of the guidelines in such matters as recruitment, for example, Professor Child pointed out that the bylaws in his area are in a sense even more explicit and that dealing with rights and privileges is inevitably becoming a more complex affair. In response to Professor Christensen's query as to whether the guidelines under discussion were meant to apply only to such areas as tenure, promotion, and salary, Professors Bordin and Berry indicated that the concern was with all conditions of work and career development, and that in drafting its Statement SARC had actually taken note of AAUP documents, the regental bylaws, and unit procedures. The foregoing to the contrary notwithstanding, Professor Bornstein still wondered whether the document under discussion would protect the University or open it to further problems, that is, whether in cases under litigation it would help or hurt the University posture. Following Professor Berry's observation that the Statement in its present form was not intended for all time, Professor Weeks moved endorsement of the guidelines as a useful contribution to fair practice, with the document to be distributed as proposed. Following the seconding of his motion and prior to the vote thereon, Professor Carl Cohen stressed the fact that a litigant is always free to introduce any relevant issue in the adjudication of his or her case, regardless of how any existing document is worded. Spelling out matters, as SARC had done, does, however, provide the kind of clarity that should be of significant help in the future, he felt.

In the subsequent vote the Statement of Fair Procedure was adopted unanimously by the Assembly.

ADJOURNMENT

There being no new business, the meeting was adjourned at 4:36 p.m.

Erasmus L. Hoch, Secretary