

Minutes of 23 October 1995 Senate Assembly Meeting  
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THE UNIVERSITY OF MICHIGAN  
SENATE ASSEMBLY MEETING  
MINUTES OF 23 OCTOBER 1995

Chair Brewer convened the meeting at 3:18 PM.

**MATERIALS DISTRIBUTED**

1. Agenda
2. Draft minutes of the Senate Assembly meeting of 18 September 1995
3. Minutes of the Senate Assembly meeting of 19 June 1995
4. Minutes of the SACUA meeting of 11 September 1995
5. Minutes of the SACUA meeting of 25 September 1995
6. Minutes of the SACUA meeting of 2 October 1995
7. Item for Action: Approval of additional 1995-96 committee appointments
8. Proposal for approval of SACUA liaisons
9. Proposal for honorary seats at Senate Assembly meetings
10. Items for Information, dated 23 October 1995
11. 1995-96 Senate Assembly seating chart
12. 1995-96 Senate Assembly membership list, revised 5 October 1995
13. SACUA and Senate Assembly skeletal agendas, October-December 1995
14. Lecture announcement: "The 'New' University and the 'New' Liberal Education"; 23 October 1995
15. Faculty Grievance Report, 1983-1984; Draft 6, dated June 1995
16. Schedule of meetings, debates, speakers and deadlines, dated 16 October 1995
17. "Rights of Tenure?" by Thomas E. Moore, dated 23 October 1995
18. "The Rights of Tenure: A Perspective on Undergraduate Teaching" by Jacqueline Lawson
19. Announcement from ProjectSERVE, dated 6 October 1995
20. Items for Information, Senate Assembly Meeting, 23 October 1995
21. Memorandum to SACUA from M. Hartford, dated 20 October 1995, regarding draft Code of Student Conduct

The minutes of 18 September 1995 were approved as submitted.

**ACTION ON HONORARY SEATING AT SENATE ASSEMBLY MEETINGS**

Chair Brewer invited a motion to accept a proposal for honorary seats at Senate Assembly meetings (item 9):

"SACUA proposes to Senate Assembly to offer honorary, non-voting, main floor seats at Senate Assembly meetings to 1) the Alumni Association Director, 2) the U-M Dearborn Faculty Governance Chair, 3) the U-M Flint Faculty Governance Chair, 4) the MSA President, 5) the President, 6) the Provost, and 7) the Regents."

The proposed action was moved and seconded by multiple members, and was approved without dissent.

## ACTION ON PROPOSAL FOR APPROVAL OF SACUA LIAISONS

Chair Brewer next invited a motion for approval of SACUA liaison members to Senate Assembly committees (item 8). The proposed action was moved by Professor Macadam and seconded by Professor D'Alecy. Professor DeCamp suggested that the motion should be separated so that liaison membership and voting privileges be dealt with individually. Professor Moore noted that liaison membership was properly designated by SACUA so that the single action issue was whether liaisons could be full voting members with incumbent duties at the discretion of the committees. Professor Steneck stated his wish to go on record as questioning the voting rights of liaisons. He noted that distinctions could be maintained between a reporting relationship of the liaison and the voting, working members of committees. Professor Maloy asked why liaisons needed a vote. Chair Brewer replied that votes rarely if ever are taken in committee; rather the issue is whether the liaisons could be designated as working members for the purpose of effective committee work. Brewer then determined readiness for a vote and called for voice vote. Brewer declared that the motion was passed by majority vote.

## APPROVAL OF NEW SENATE ASSEMBLY MEMBERS

Chair Brewer invited a motion to approve additional committee appointments (item 7). The action was moved and seconded by multiple members and was approved without dissent by voice vote.

## GRIEVANCE PROCEDURE REVISIONS

Chair Brewer invited Professor T. Moore to introduce discussion of the report from the Faculty Grievance Committee. Moore reviewed the document, which had first been distributed to the Senate Assembly at its 18 September meeting, and provided an overview of the recommendations drawn from pages 14 and 15 of the report. Moore noted that the report had been accepted by SACUA at its meeting of 11 September 1995. At the conclusion of his introductory remarks, Moore moved that the report be accepted by the Senate Assembly, as well. Professor Montalvo seconded the motion.

Professor Maloy made reference to concerns he had voiced earlier about the proposed binding nature of decisions and about grievance of substantive matters, rather than of procedure. He said that victims of discrimination or harassment should not be made to relinquish their rights to pleadings in the courts. Moore replied that Professor Maloy's concerns were misplaced, because the proposal applies only to internal university processes, and no one surrenders their rights to remedies outside the university. Maloy asked what, then, made the decisions binding. Moore replied that the committee recommendations would be thus accepted, rather than merely advisory as at present.

Professor Kaplan remarked that some Dean's had in the past adopted the position that a variety of matters were not suitable for grievance. Kaplan specifically referred to two cases at the University of Michigan where deans had resisted action. He noted that the local chapter of AAUP has called for modification of the grievance model incorporating a committee of faculty who would determine the grievability of matters brought forward. Further, he said the AAUP recommended an option of appeal to a second faculty committee on the issue of suitability for grievance. Moore responded that the view of the drafting committee had been that such layers of evaluative committees were not needed. Moore noted that under the provisions of the recommended model, a grievant's petition would lead to formation of a grievance committee, and

that a faculty-supervised training process for committee chairs and also the presence of a faculty monitor would achieve the stated objectives of the AAUP, in his opinion. Professor Lohr asked about the meaning of "binding", particularly with regard to tenure issues that at present are recommendations to the Regents. Moore replied that the recommendations of the grievance committee would go to the units, and might indicate, for example, whether things had been overlooked in the original decision-making process.

Professor Thornton made reference to previous minutes of SACUA from which he said he inferred that the Provost is opposed to some procedures recommended in the proposed model. He asked what implications that may have for any action taken by the faculty. Moore replied that the grievance model was intended to state what the faculty think is best for them. He stated that at a meeting with the Provost some concerns were expressed, but that none of the proposals was labeled "totally unacceptable". Moore explained that once the faculty had made its best wishes known, discussions could proceed from there. He expressed the opinion of SACUA that faculty should not give up on important points at the outset. Professor Kleinsmith said that under the proposed model it appeared that Professor Kaplan's concerns would be allayed because it would not be possible for the Deans to reject grievances outright. Moore replied that Kleinsmith was correct. Kleinsmith then asked what would happen if the Dean delayed action beyond specified time limits. Moore responded that in such an event, SACUA would probably appeal to the Provost and hope that the delay was just an oversight. Professor Wahl asked if involvement in these issues would expose the faculty to legal challenges, and whether indemnification should be sought from the Regents. Moore replied that indemnification already exists, because even the act of teaching exposes faculty to potential liabilities.

Brewer called to a motion to postpone further action on the main motion until the next Senate Assembly meeting. Montalvo moved for postponement (Gobetti seconded). The motion to postpone to the November meeting was passed by voice vote.

#### POINT-COUNTERPOINT PRESENTATIONS: THE RIGHTS OF TENURE

Chair Brewer next invited Professor Moore to make the lead presentation in the second faculty debate of the year. Moore presented remarks as distributed in item 17. Moore's presentation was followed by remarks from Professor J. Lawson, Faculty Governance Chair at UM Dearborn. Professor Lawson described her presentation as portraying the rights of tenure from the perspective of faculty at predominantly undergraduate teaching institutions, and her remarks were expressed in item 18. Lawson expressed the importance of tenure in teaching. She explained that a search for truth required the unfettered expression of all ideas. She stated that speaking an idea, which is protected by Constitutional guarantees, and teaching an idea are different. Lawson said that educators have a responsibility to promote the public good by teaching ideas, some of which will include provocative as well as offensive material. She explained that tenure protects our obligation to teach disturbing ideas and to thereby broaden the minds of the nation's citizens.

Professor van der Pluijm spoke next. He argued that the rights identified by the faculty who drafted the report "Toward a Definition of Tenure" were in fact beneficial to the entire university system. He said that they provided guarantees that we can have the diversity of people that we want to have in the university environment.

Professor Maloy made the last presentation. He described an analogy between rights of tenure and constitutional rights. Maloy said that rights guaranteed under the Constitution are not unlimited, and that are rights are in fact limited or subject to interpretation. He stated that we

have a duty to define the rights and the limitations, and that perhaps the situation is different now than in the earlier years of the twentieth century when various fundamental tenets of tenure were instituted. Maloy asked if originally "economic security" meant that faculty were guaranteed a job, or whether it meant they were entitled to unlimited benefits and merit increases. He said that evaluations of competency might arguably apply to both tenured and untenured faculty. He stated that most issues that warrant review seem to apply to issues of procedural process and competency, rather than academic freedom.

Chair Brewer then invited comments from the floor. Professor Hinman remarked that attainment of tenure put on young faculty strong pressure to publish rather than to reflect deeply about a subject. He said that tenure also tended to protect old faculty. Professor Whiting stated that from his perspective as an untenured faculty member, he thought that tenure had nothing to do with academic freedom because everyone knows to keep their heads in while untenured. He said that the 6 or 7 year cycle required to attain tenure did absolutely nothing to promote academic freedom, and that in fact the institution has exactly the opposite effect. Professor Kaplan noted that just because recent cases subjected to review don't superficially deny academic freedom, that analysis misses the point. He said that because tenure is so universal, it is not possible to dismiss a professor overtly because of political views, religion, or other protected beliefs and practices. He recounted a recent incident in which a faculty member from a small college was threatened with dismissal because of personal prejudice against him, at an institution where tenure did not exist. Professor Steneck commented that if tenure had existed at the University of Michigan in 1850, then the structure of the present university might not have emerged. Steneck said that in 1850, owing to problems in the faculty, the Regents fired the faculty and installed an executive officer. He said that the executive officers are a balancing force within the institution.

Professor Bryant expressed a caution about directions of political change within the nation at present which may cause some members of the faculty, particularly minority members, to become vulnerable because of their status. D'Alecy expressed concern that untenured faculty felt they must "keep their heads in". Professor T. Lee replied that attainment of tenure had influenced her teaching, and that as a consequence her presentations were more relaxed. Professor Dunn commented that the rights accorded to tenure applied to untenured faculty, as well, during the terms of their appointments.

Chair Brewer called on the Tenure Committee to use the presentations and deliberations of Senate Assembly members as input to their attempts this year to develop a definition of tenure. A professor from the audience asked whether the recent cases at the University of Michigan referenced earlier by Professor Kaplan represented threats to academic freedom, or whether in fact suspensions of academic freedom had occurred at the university already. Brewer responded that the cases referenced by Professor Kaplan involved constructive demotion, a damage for which present mechanisms of redress had so far proved inadequate.

## OLD BUSINESS

Chair Brewer called attention to a change in the date and location of the next Senate Assembly meeting (item 16). No other old business was presented.

## NEW BUSINESS

Chair Brewer noted that the Regents had announced their intention to engage in open forum discussions about the search for a new University President. Brewer called for a straw

poll to indicate whether members would like the Senate Assembly to serve as host and venue for one such forum. Based on the response, Brewer announced that SACUA would explore the possibility of scheduling a forum for the December meeting, and in postponing the debate originally slated for that meeting.

No other new business was introduced.

The meeting was adjourned at 4:38 PM.

Respectfully submitted,

John T. Lehman  
Senate Secretary