

THE UNIVERSITY OF MICHIGAN

SENATE ASSEMBLY

MINUTES OF 19 NOVEMBER 1990

ATTENDANCE

Present: Anderson, Billi, Bord, Borgsdorf, Brooks, Burdi, Cameron, Chesler, Croxton, Debler, Diana, Didier, Drabenstott, Duell, Eggertsen, Fellin, Gazda, Gilgenbach, Goeppinger, Green, Greenwood, Gross, Hayashi, Hollingsworth, Jenkins, A. Jensen, E. Jensen, Jones, Kimeldorf, Koopmann, Larson, Lomax, Loveland-Cherry, Marcelo, Markus, Mathes, Morley, Montalvo, Morris, Mosberg, Mosher, Ness, Olson, Penchansky, Potter, Radine, Raper, Razzoog, Ross, Saxonhouse, Schwank, Silk, C. Smith, G. Smith, Stein, Tentler, Teske, Warner, Williams, Yano; Savory, Schwartz, Schessler, Heskett

Absent: Angus, Brown, Crandall, Daly, Dirks, Foss, Friedman, Grosse, Gull, Hoft, Houk, Mignolo, Ocasio-Melendez, Papalambros, Porter, Rosenthal, Russell, Senkevitch, Wheeler, Woods, Yang

Dr. Hollingsworth convened the meeting at 3:15 p.m.

MINUTES

The minutes of October 15 were approved as corrected.

ANNOUNCEMENTS

None.

ELECTION OF SACUA NOMINATING COMMITTEE

Ballots were distributed. Elected to the SACUA nominating committee were Ness and Warner representing SACUA and Chesler (LSA); Croxton (Social Work), Radine (UM-Dearborn) and Yano (Engineering) representing the Senate Assembly.

RULES COMMITTEE REPORT, PROFESSOR ALPHONSE BURDI, CO-CHAIR, RULES COMMITTEE

As reported in the October 1, 1990, issue of the University Record, the Rules committee has updated and reviewed the Rules of SACUA and the Senate Assembly. A reapportionment was completed in 1989/90. Professor Burdi stressed that Regents Bylaw 4.02 was a highly significant enabling bylaw in that it provides that the University Senate may adopt rules regarding its own government and procedures of governance. The committee will be looking at

models for faculty governance as we move into the twenty-first century. Some effort will be devoted to identifying ways to improve faculty governance. The committee will be reviewing the Senate Assembly's constitution with the goal of reformatting it. Professor Burdi asked for volunteers from the Assembly to review the committee's efforts. Members wishing to make comments can send E-Mail messages to co-chairs Alphonse Burdi and Lillian Simms.

OVERVIEW OF THE UNIVERSITY'S EXTERNAL RELATIONS, CONTINUED

Dr. Hollingsworth introduced Jon Cosovich, Vice President for Development, who came to the University in 1983 from Stanford University where he was responsible for the management team for private sector funding. Prior to his association with Stanford he was employed in the securities business and in public relations. Soon after arriving at UM he put into place the first Campaign for Michigan. In the near future he expects to announce the kick-off of the Campaign for Michigan-2. Vice President Cosovich distributed several handouts which presented the organizational structure of his office, a final report on the first Campaign for Michigan, that is dollars earned, gift/pledge activity by fiscal year since 1984, and a description of the objectives for Campaign for Michigan-2. Vice President Cosovich affirmed the importance of the development effort in terms of the University's total financial picture. For example, in FY 1990/91 they hope to raise \$130,000,000 from private gifts and income from previous gifts.

The central development office is responsible for 49% of the total development budget. The University's development operation is highly decentralized and most schools and colleges have their own development units.

In the Campaign for Michigan-2 he hopes to increase support, broaden the donor base, and expand the market share. His goal is to match the University's accomplishments in this area with that of private institutions. To begin the campaign he is seeking a \$250,000,000 seed fund with an ultimate fund-raising goal of \$700,000,000. Presently, his office is undertaking marketing studies to obtain more information about the University's alumni and to understand what motivates people to donate money. With this campaign he hopes to break new ground on the size of large individual contributions. He indicated that the faculty may be called on for assistance in year two of the campaign. His office welcomes faculty input and new ideas for fund-raising. He offered to meet again with the Senate Assembly to report on the campaign's progress.

Dr. Hollingsworth next introduced Henry Johnson, Vice President for Community Affairs. Vice President Johnson's academic training is in the area of Psychiatric Social Work. Vice President Johnson has extensive personal and professional background in community and civic affairs. Prior to assuming his current post he served for many years as Vice President for Student Services.

Vice President Johnson indicated that the general community holds many incorrect perceptions of the University and it is the responsibility of his office to communicate to the public the achievements of University faculty and staff. Since his is a new position, he described his first step as organizing the University's presence across the state. As a state institution we work in partnership with the state and we are to share our talent and expertise with the state. It is his office's responsibility to communicate this message to the people of Michigan, and to begin the process he will focus on three areas of the state; the southeast, the west, that is Grand Rapids; and the Saginaw, Bay City, Flint area. It is his goal to establish a physical presence for the University in these communities.

Vice President Johnson described the mission of his office as taking the steps to demonstrate the University's commitment to the city of Detroit and the state of Michigan. He hopes to establish this commitment through the implementation of outreach services. His office will coordinate central outreach programs. His office will promote the University's accomplishments in teaching, research, and service to achieve enhanced support from the citizens of Michigan while also seeking to improve the image of the University. He indicated that the entire University External Relations team, that is Harrison, Forman, Cosovich, Kennedy, and himself, meet regularly to discuss areas of mutual interest.

He described the goal for the Rackham building in downtown Detroit being to bring special programs from the University into the city. The building will serve as the University's hub for outreach activities in Detroit. One aspect of his goal for the use of the building is to reconfirm the University's service mission. He requested that the faculty keep him informed of public service activities and that they also inform their Deans. In the future he will work to establish other outreach sites in the state. Presently he is forming an advisory committee for the use of the Rackham building. A brochure describing these efforts was distributed.

RESOLUTION ON RECONCILIATION GESTURE FOR FACULTY MEMBERS  
DISMISSED DURING McCARTHY ERA

Professor Ness briefly outlined the supporting statement and resolution which were distributed to members of the Assembly. Ness proposed that a lecture on academic and intellectual freedom be presented annually at the Senate meeting. The resolution was approved as amended, that is the last phrase stating that the lecture is to be presented at the annual Senate meeting was deleted. The approved resolution states:

The faculty of the University of Michigan affirms that academic and intellectual freedom are fundamental values for a university in a free society. They form the foundation of the rights of the free enquiry, free expression and free dissent that are necessary for the life of the university.

The faculty recognizes that such rights are human creations, the product of both the reasoned actions and the deep seated commitments of women and men. When such actions and commitments are set in human institutions, people may secure for themselves and for others, in the present and the future, the enjoyment of those rights.

We also recognize that these values and the rights they imply are vulnerable to the fads, fashions, social movements and mass fears that threaten to still dissent and to censure carriers of unpopular ideas. Such was the case in 1954 when the University of Michigan suspended three faculty members and subsequently dismissed two of them. We deeply regret the failure of the University Community to protect the fundamental values of intellectual freedom at that time. It is to guard against a repetition of those events, and to protect the fundamental freedoms of those who come after us that we make this resolution today.

The protection of academic and intellectual freedoms requires a constant reminder of their value and vulnerability. To provide for that reminder, the Faculty of the University of Michigan hereby resolves to establish an Annual Senate Lecture on Academic and on Intellectual Freedom, to be named:

**The University of Michigan Senate's  
Davis, Markert, Nickerson Lecture  
on  
Academic and Intellectual Freedom**

Concern was raised about devoting Senate Assembly time to this activity, thereby pre-empting time from the President and the Provost. Dr. Hollingsworth explained that there is precedent for devoting time at the annual Senate meeting to special topics and that the lecture will not

begin until 4:00 p.m., thereby giving the Senate time to cover its regular agenda items. It was suggested that in future years the lecture be held in the evening. It was also suggested that the forum be enlarged and that the event be publicized to appeal to a wide audience. Another question raised the issue of who will select the speaker, with the answer being a special committee of SACUA with input from others. It was confirmed that the Regents will take no further action on this issue.

Some discussion centered on the naming of the lecture after Davis, Markert, and Nickerson. The question, "Are they truly representative of intellectual freedom?" was raised. Professor Ness responded by saying the lecture offers reconciliation to the three men and establishes a forum for discussion of intellectual freedom. Gross indicated that this does not indicate that the Assembly is labelling them as heroes. Jones raised the question, why had the Regents chosen not to do anything further? No answer was available. Ness indicated that two presentations on this issue had been made to the Regents and that they can only act as a Board. The issue could be divisive, as many state residents believe that no wrong had been done to the three former faculty members. Cameron asked if a wrong had been done given the recent letter in the University Record and another in the Detroit Free Press. Tentler raised the issue of, the government's right to investigate the political affiliations of citizens, stating that he does not believe such a right exists. Diana indicated that individuals need the freedom to make unpopular statements and not be fired or denied access to tenure for doing so. Drabenstott indicated that we need to acknowledge that the event occurred. Debler confirmed that the AAUP did investigate the matter. It was indicated that the events were in part influenced by personal issues. The modified motion was approved. Wilfred Kaplan, representing AAUP, offered financial support for the lecture.

Ness proposed that the Senate Assembly establish a fund to support a program/lecture on academic and intellectual freedom. The motion was seconded by Smith and passed unanimously.

DISCRIMINATORY HARASSMENT POLICY FOR FACULTY AND STAFF,  
REVISED VERSION

There was a change in the Assembly's consideration of the policy from voting on the policy to discussing it. This change was the result of recent communication from the University administration. Dr. Hollingsworth gave a brief history of the Assembly's involvement with the policy since 1987. Tentler addressed the Assembly and indicated that he saw three possible options for dealing with the policy: say nothing, comment on parts, or indicate that no policy is

needed because of existing state and federal laws as well as University regulations set forth in the Standard Practice Guide. He also indicated that there are two conflicting values in the policy, the abuses the policy is designed to address and protecting freedom of speech. These are not areas protected by the constitution, he continued, and it is inadequate for allowing control of unprotected speech. He indicated that the Civil Liberties Board (CLB) does not believe that this is the best track to follow, rather, we should separate the legal aspects to highlight how our laws treat this subject and to identify the additional laws that are needed. He suggested that we be prescriptive rather than proscriptive. He also indicated that CLB referred the policy back to the Assembly for its consideration. He called for a motion to dissolve into a committee of the whole to facilitate discussion. The motion was seconded and the question was called. The motion was carried.

Elsa Cole, the University's General Counsel, then addressed the Assembly. She has reviewed the policy in its present form and believes it would be worthwhile to separate the sexual harassment issues from the free speech issues. She indicated that Section I did not fit into the policy, and she suggested combining Section II, a and b, to separate the way faculty/staff are treated from the way students are treated. She then discussed the issue of unregulated speech which is protected by the first amendment. Burdi asked if the faculty can establish a policy for other constituencies. He asked if the administration should be treated as a separate body, and Cole indicated that they are treated as staff. Stein asked who gets to work out the policy? Hollingsworth responded by saying that the policy will be worked out over time. She suggested that the Senate Assembly use the Conference on UB (Confer) to carry-out discussions and raise issues. Radine provided instructions on how to sign on to the Conference and offered assistance to members of the Assembly in using the Conference. Gross asked if approval of the policy by Senate Assembly was necessary. Hollingsworth said it was. SACUA will be forwarding recommendations to the administration, who then may bring it to the Regents. It was noted that the procedural aspects of the policy have been thoroughly addressed. Diana suggested that members review the document prepared by the Faculty Senate Office to consider the differences between the two versions. He noted one major change in the new version being the involvement of the Deans. Hollingsworth indicated that SACUA will be working with the General Counsel and the President's office to complete the task. She asked that anyone wishing to offer suggestions do so before the next Senate Assembly meeting. Williams asked how to separate out the sexual harassment aspects of the policy. Cole offered to prepare a draft of just the sexual harassment aspects of the policy soon.

OLD BUSINESS

The "Fundamental Tenets of Membership in the University Community" have been approved by the Schools of Art and Nursing.

NEW BUSINESS

The MTS conference for Senate Assembly, access by:  
(#)\$SO Sen:Assembly

Changes in the structure of the Statistical Research Laboratory.

Contributing to charitable organizations other than the United Way through payroll deductions.

ADJOURNMENT

The meeting was adjourned at 5:15 p.m.

Respectfully submitted,

*Diane G. Schwartz*

Diane G. Schwartz

Senate Secretary, Pro tempore