

The Tenure Policy Committee views with deep concern the suggested removal of the words "Either extreme or repeated" (sexual harassment or discrimination) from the CRR regulations governing the possible loss of tenure. CRR (310.020; #3) currently guarantees that any removal of tenure be for a very serious breach of conduct, but the suggested change--i.e., removing any qualifier such as "very serious" before the offenses--would open the door to removal of a faculty member's tenure for even minor infractions, including inadvertent or merely perceived ones. This is certainly not the intent of the proposed change, but it is a very real unintended consequence.

The relevant CRR passage is: "Cause for dismissal may include but is not limited to the following: ...Either extreme or repeated Sexual harassment or racial, gender or other discriminatory practices."

Of course the faculty rejects sexual harassment and discrimination, but the punishment should fit the offense, and the extreme punishment of removal of tenure should be reserved for extreme cases of misbehavior, e.g. physical assault. Indeed a basic principle of UM's sexual harassment training is that reported offenses call for a warning to the alleged offender in order to prevent a recurrence of the offending behavior. Sample from the video: a male supervisor putting his hand on the shoulder of an uncomfortable looking secretary.

Again, it is essential that a qualifier be included before the mention of sexual harassment or discrimination offenses. Once "Either extreme or repeated" is removed without any replacement qualifier, any controversial or unpopular faculty member would be open to the loss of tenure for an almost infinite variety of possible minor infractions. Controversial topics in the Liberal Arts would become especially risky and hence to be avoided, even though many students could benefit precisely from discussing them. But even our scientists and engineers are not immune. One engineer stated at a recent Faculty Senate meeting that he had used the word "voodoo" in describing something in engineering that he regarded as totally lacking seriousness; afterwards, an African student in the class (from a country where voodoo is practiced) told the teacher that that reference was offensive to him.

The proposed change would therefore have a chilling effect on the free and open exchange of ideas at the university, raising political correctness to such a high level that a faculty member could have his/her life severely upset due to a minor, unintended or even merely perceived infraction. If any group wants to get rid of a faculty member, the proposed change would make it much easier to do so. But such removal would be a clear case of combatting one injustice (e.g., racial discrimination) by inflicting another, at least equally severe, injustice.

We therefore respectfully urge the Board of Curators not to accept the proposed elimination of "Either extreme or repeated" from the present CRR passage. At the very least, a satisfactory replacement qualifier should be found.