

## Analysis and Recommendations by SCAFR Concerning the President's Response to the SCAFR Report of December 10, 1981

*Submitted to the Senate Executive Committee, in response to its request, March 25, 1982*

*Adopted by the Senate Executive Committee April 7, 1982, and published herewith at SEC's request*

### I. Introduction

With reluctance, and at the same time with hope, SCAFR submits this analysis of and recommendations concerning the President's Response to SCAFR's Report dated December 10, 1981. We submit this analysis with reluctance, because we feel it necessary to single out and comment upon the serious and—if not corrected—potentially fatal shortcomings that appear within the President's Response. We are nevertheless hopeful because there is much that is positive in the President's Response. Indeed, we believe the Response contains seeds that, if nourished and assisted by the recommendations set forth hereinafter, could be developed into an equitable and principled resolution of Professor Srouji's grievance.

In his Response, the President made two explicit comments on particular sections of the SCAFR Report. Our analysis of those comments is here relegated to a footnote.<sup>1</sup> We recommend the footnote to the reader interested in factual background. But we do not think extended debate on those comments will contribute to a resolution of the important matters before us. Rather, in the main text of this analysis, we first set out what we believe to be the positive aspects of the President's Response. Thereafter, we examine certain underlying misperceptions and severe shortcomings within the Response. Finally, we outline a new approach to an equitable and principled solution, building upon the President's Response.

### II. The Affirmative Elements in the President's Response

The single most important statement in the President's Response is contained within its first paragraph. It is worth repeating here:

... It is very important to recognize that the central issue, sometimes obscured in the welter of details, is the protection of the rights inherent in a faculty position at the University of Pennsylvania. Academic freedom is the core value of a great university, and my administration is dedicated to this concept. Such freedom rests upon certain safeguards, especially the principle that actions affecting a faculty member's status be taken only for appropriate reasons using generally acceptable procedures. I am prepared to use the weight of my office to see that fair and generally accepted procedures govern the appointment, advancement, and termination of faculty members in all parts of the University of Pennsylvania.

In moving beyond this general, though extremely important position,

the President's Response advances consideration of the Srouji matter in certain significant respects:

*First:* the President states that "in implementing the Panel's recommendations, I believe it is important to restore the *status quo ante* insofar as this is possible"; and he recognizes that the restoration of the *status quo ante* includes restoration of Professor Srouji to the Surgical Associates partnership, if possible.

*Second:* the Response recognizes that additional financial recompense from the University to Professor Srouji might be appropriate.

*Third:* the Response recognizes that the University "might well" restore Professor Srouji to his standard academic base salary. In addition, the University "will provide" Professor Srouji with an office at CHOP along with appropriate secretarial and telephone services.

*Fourth:* the Response directs attention to, and requests that responsibility for the creation of due process safeguards on certain matters which might arise in the future be accepted by the Medical School Academic Freedom Committee.

Through each of these positions, singly and in combination, the Response cuts through some of the debate of the past (e.g., there was much debate over whether it is important to the implementation of the Grievance Panel recommendations to restore Professor Srouji to the Surgical Associates partnership).

In the most vigorous and, we believe, strongly articulated section of the Response, the President directs his attention to the recommendations of the Grievance Panel as they bear upon the future organization of the University's group practices. On this issue, the President makes clear that he intends to "use the weight of his office" and other appropriate legal tools at his disposal to ensure that fully employed clinical faculty at the University (including members of Surgical Associates) join the Clinical Practice-University of Pennsylvania Plan (CPUP). He states:

To that end, my administration is now moving to require that all fully employed clinical faculty in the School of Medicine must belong to the CPUP to be eligible to hold a faculty title in the Standing Faculty or the Standing Faculty-Clinician Educator. In taking this position, the University is acting in support of the resolution of the Faculty Senate which was adopted by the Trustees ....\* To indicate that this is a matter of serious and immediate concern to the University of Pennsylvania and to the School of Medicine, the Dean of the School of Medicine has stated as a policy that the School will process no further appointments, reappointments or promotions of full-time clinical faculty who are not members of CPUP, the internal practice group .... The Provost has written to the Dean in support of this policy ....

We applaud this vigorous and principled position.

### III. Misperceptions Within the President's Response; The Nature of our Mutual Tasks

As suggested in our introduction, we in SCAFR are reluctant warriors on this matter. We do not enjoy the role of criticizing first provosts and then our new President. We are especially reluctant when our President asserts, with us, that the "core value of a great university" is academic freedom, and that such freedom rests upon "the principle that actions affecting a faculty member's status be taken only for appropriate reasons using generally acceptable procedures." Unhappily, we are persuaded that the President's Response embodies such severe shortcomings, despite its otherwise affirmative character, that the "core value" and central

\*Gratuitously, we add that the resolution in question was drawn and proposed by SCAFR.

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principle here in issue will be lost—unless significant amendments to the Response are made.

We have reminded ourselves, however, that we are the University Senate's Committee on Academic Freedom and Responsibility. If we—to paraphrase Hillel—will not speak forthrightly and criticize even the President, who then will? And we urge you, our readers within the Senate Executive Committee and faculty generally, to abandon any inner urge to walk away from continuing reflection, search and active effort over Professor Srouji's situation. For if indeed we are right, and the academic freedom issues here involved require more—significantly more—than the President's Response suggests, then the issues will be lost unless you defend them, individually and collectively.

**A. The Response fails to recognize Professor Srouji's academic freedom due process rights as the main concern to be addressed. The priorities of the Response are misplaced.**

The Response states the President's intent "to use the weight of my office" to ensure protection of "the core value," academic freedom, and "the principle that actions affecting a faculty member's status be taken only for appropriate reasons using generally acceptable procedures." The Response makes clear, however, that the President is not yet prepared to use the weight of his office, and take such "extremely strong measures" as are advocated by SCAFR for the purpose of compelling fulltime faculty members to act in accord with university due process with regard to their fellow faculty member Professor Srouji. At the same time, the Response also makes clear that the President and Provost are quite ready to use the kind of "extremely strong measures" advocated by SCAFR for Professor Srouji to force faculty members in Surgical Associates to join the University's Practice Group, CPUP.

Yet it would seem self-evident that if the University can tell a faculty member in Surgical Associates that s/he must shift from Surgical Associates to CPUP or forgo an opportunity for promotion, the University can tell the fulltime faculty members in Surgical Associates that University due process standard must be afforded their fellow faculty members if the University is going to continue a special fringe benefit arrangement with Surgical Associates. The same point can be made about each of the other recommendations made by SCAFR.

What, as a matter of principle, is the difference between the strong measures taken by the University, aimed at shifting the faculty members from Surgical Associates to CPUP, and the "extremely strong measures" urged by SCAFR to restore Professor Srouji to the *status quo ante*? The difference, of course, is not in the measures, but in the *priority* placed upon the object of the measures. Consideration of such strong measures on behalf of the individual faculty member whose university due process rights were violated—with dire consequences to the faculty member—have a low priority in the Response. Such strong measures have a high priority when the purpose is to force a clinical reorganization.

With this distinction, SCAFR must sharply disagree. Nothing is more important than protecting and restoring the due process rights and academic freedom of those whose rights and freedoms have already been violated. A progressive change in clinical arrangements, which would provide more protection for potential future victims, is to be applauded. But the test of our resolve with regard to due process and academic freedom is found in our policies with regard to real, present victims. Are we doing all that we can to remedy the wrongs inflicted upon the current victim? Unless we do, tomorrow's victim may again witness our failure of nerve, a crumbling of our collective will in the face of a new powerful transgressor.

**B. The Response allows its readers to confuse the wrongdoers and the victim.**

The second underlying problem in the Response is more subtle. One source of damage in a case of this sort is that it creates a structure of misperception which permits the university community to believe that Professor Srouji "must have done something wrong" or failed in his professional duties—despite the fact that at no stage was any charge brought against him. The President's Response fails to correct this structure of misperception and may even aggravate it by focusing exclusively upon the problems of process. The Response emphasizes that "the principal flaw" found by the Grievance Panel in Dr. Srouji's treatment was a lack of orderly process. The Response then engages in a discussion of process to be established by the Medical School's academic freedom committee for Dr. Srouji's possible future termination from the University. A year's grace period before any such termination proceeding is suggested.

This emphasis could easily mislead the readers of the President's Response to believe that Professor Srouji is a wrongdoer who, simply, has not received an unflawed process. It is as if illegally seized but persuasive evidence of wrongdoing has been admitted to his trial. The problem, however, is that Professor Srouji has not only not had a trial, he has not been *charged with any wrongdoing*. He is not, insofar as any of us have any reason to believe, an alleged wrongdoer. Indeed, he has *urged* that a charge be made. To illustrate:

A competency issue has been raised as a possible cause to initiate a hearing. Dr. Girifalco, on June 4, 1981, asked me as to whether this had been mentioned to me. I told him that I had never been told of that, but if that is being considered I welcome it wholeheartedly and *soon*. I never heard from him or about it again. On January 14, 1982, in a discussion with Dr. Clelland, he stated that competency is not an issue in my case ....<sup>2</sup>

Professor Srouji, quite simply, is a victim. He is not a victim of "society" or the "system." He is the victim of other faculty members who wronged him. It is appropriate to define process; process is relevant to the case. But defining the problem as no more than flawed process leads the reader of the Response to shy from "extremely strong measures" designed to compel wrongdoers to afford remedy for their acts. There are no wrongdoers, readers of the Response could infer, other than possibly Professor Srouji—for whom we should correct the flaw in the process. Thus is the stage set for improving process in the future, while leaving Professor Srouji unrestored to the *status quo ante*, however "optimal" such a restoration might be.

#### **IV. The Shortcomings and Problems Within the President's Response; Proposals for Building Upon the Strengths of the President's Response for a New Approach.**

**A. The "Associated Faculty" Issue**

An unfortunate mistake, with serious consequences, is made on page 2\* of the President's Response, wherein persons with Professor Srouji's tenure status are labeled members of the "Associated Faculty." On p. 10, the Response more explicitly states that Professor Srouji "is not a member of the .... Standing Faculty more generally ...." However, Professor Srouji is indeed a member of the Standing Faculty. Below, we briefly outline, first, why he is appropriately considered a member of the Standing Faculty; and, second, why the latter classification, as distinguished from the former, is important in the circumstances of this case.

**1. Professor Srouji is a member of the Standing Faculty**

By action of the Board of Trustees on September 16, 1974, Dr. Srouji was explicitly granted tenure. The language of the Trustees was "Full affiliation, full salary contingent on funds from Children's Hospital and PGH; with tenure." In 1975, terms relating to salary source were changed so as to introduce Surgical Associates and omit PGH, then in the process of closing down. Whatever the effect of these words relating to salary obligation, there is no question that Professor Srouji has "full affiliation and with tenure."

In our *Faculty Handbook*, the first line of the section defining "Associated Faculty" states (p. 24):

Members of the Associated Faculty do not acquire tenure by virtue of their appointment or service in the Associated Faculty."

On page 3 of the *Handbook*, under the general heading "Basic Principles of the Tenure System," the status of people with "tenure of title" is discussed. Reference is made to appointments before July 1, 1976, wherein "indefinite tenure of academic rank" was granted, but with salary limited to funds from designated sources. The *Handbook* notes that "all new appointments," after July 1, 1976, with such limitations "shall be without tenure significance and to the associated faculty." The *Handbook* adds (p. 32):

The terms and limitations of the appointments made prior to July 1, 1976, shall continue to be observed.

Professor Srouji is, clearly, not a member of the Associated Faculty. He is not a member of any of the designated subgroups of the associated

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\*Page numbers are those in the typescript transmitted to the Senate Executive Committee on March 1, 1982.



faculty which include: the Research Faculty, Clinician Educators,\* Clinical Faculty (defined as "part-time" people), Adjunct Faculty, or Visiting Faculty (see pp. 25-26, *Handbook*). He was not a member of the Academic Support Staff (see p. 27). He is a member of the Standing Faculty, the only faculty classification in which a fully affiliated Associate Professor with tenure can fit. He was appointed prior to July 1, 1976. Therefore, the limitation on his salary source cannot change this conclusion.

## 2. Why the "Associated Faculty" Issue is Important

While members of the Standing Faculty have special prerogatives which Associated Faculty members, as a general rule, do not have (e.g., the right to vote in the school and Senate faculty), there are special reasons why the distinction between "Associated" and "Standing Faculty" is very important in this case.

*First:* The "due process" regarding termination of Standing Faculty members is not applicable to most groups within the Associated Faculty. (see p. 37, *Handbook*) In general, Associated Faculty members serve on a specified term, contractual arrangement or on a year to year "at will" basis. There are important protective exceptions to this for the "Clinical Educator" group (see p. 25, *Handbook* and footnote, [\*] below). However, Professor Srouji is *not* a member of the "Clinician Educator" faculty.

The process due Professor Srouji, of course, has been a central issue in his grievance.

*Second:* As we later discuss, a possible resolution of Professor Srouji's grievance may involve his membership in the Clinical Practices of the University of Pennsylvania (CPUP). Indeed, the President's Response takes a strong stand that states:

.... all fully employed clinical faculty in the School of Medicine must belong to the CPUP to be eligible to hold a faculty title in the Standing Faculty or the Standing Faculty Clinician-Educator.

It would be wrong if Professor Srouji were viewed as ineligible for CPUP membership on the theory that he is neither a Clinician Educator nor a member of the Standing Faculty. Given that Professor Srouji is a member of the Standing Faculty, there would appear to be no question that he should be admitted to the CPUP.

## B. The Failure "to restore the status quo ante insofar as this is possible"; Building Upon the Strengths of the President's Response for a New Approach: The Role of the CPUP

We will not repeat what has been said earlier about the failure of the Response to promise those measures which would lead to a restoration of Professor Srouji to the *status quo ante*. Professor Srouji's restoration to a group practice is critical for the practice, educational and income generating opportunities he had prior to the wrongful acts taken against him.\*\*

SCAFR continues to recommend the steps in Section IV(c) of its December 10, 1981, report. The same strong measures the President states he is taking to shift surgeons from Surgical Associates to CPUP should be taken for the purpose of restoring Professor Srouji to Surgical Associates.

If, however, the President does not take such steps to restore Professor Srouji to Surgical Associates, there is an alternative. We believe that the President's Response contains seeds for a new solution. We here outline an approach which builds upon the President's Response. We recommend this approach to SEC and to the President. It is consistent with his Response, and elaborates upon it.

*First:* Immediate acceptance of Professor Srouji into the CPUP, with the intent of building a collaborative group practice relation among him and other pediatric surgeons as they come into the group.

\*At the time Professor Srouji was denied access to academic and clinical activities, Clinician Educators were members of the Associated Faculty. By vote of the Faculty Senate on April 23, 1980, and the Trustees on June 19, 1981, Clinician Educators were removed from the Associated Faculty and made Standing Faculty-Clinician Educators (*Statutes*, Article 9.9).

\*\*A group relationship is, of course, essential to effective clinical practice and teaching relationship. This not only is a matter of "coverage" when one member is not available to see his/her patients. The "on call" schedule is of no small importance. Patient referrals from clinic or emergency room "walk-ins," no less referrals of "walk-ins" who simply know the name of the practice group, are among the numerous benefits of the group membership which spell the difference between success and failure in the practice and educational setting. The Grievance Panel report, as the President's Response notes, did not "recommend any action that would either affirm or deny Dr. Srouji's opportunity to see patients ...." But the Report finds that Dr. Srouji's opportunity to see patients, earn income, etc., was restricted and eventually discontinued without Surgical Associates affording him "an orderly, formal or objective process acceptable by general University Standards" (p. 10, Response). That is why restoration of the *status quo ante* is critical.

*Second:* Strict application of the policy for no further appointments, reappointments or promotions of full-time pediatric surgeons who do not join CPUP. Other measures should be taken to accelerate the process of shifting pediatric surgeons into CPUP. These should include:

- (a) Invitation by the Provost and President to the Chief Pediatric Surgeon, Dr. O'Neill, to join CPUP.
- (b) Discontinuance of University-channelled salary and fringe benefits for pediatric surgeons who fail to join.

## C. Unclear and Inadequately Formulated Approaches to Financial Damages and Salary.

The President's Response discussed financial restoration and/or recompense at two places. On p. 10, the Response states that: "... as part of a final settlement, the University might well provide Dr. Srouji with a standard academic base salary for the year in question."

The apparent rationale for the "might well" qualifier is that no financial settlement has been agreed to as yet. There are at least two problems with this rationale: (1) there is no firm mechanism proposed in the Response whereby such settlement can be achieved; (2) since the University has not restored the *status quo ante* and protected Professor Srouji with due process safeguards from arbitrary removal of his salary, supportive assistance in an alternative practice arrangement in CPUP as elaborated upon here is appropriate. In this context, Professor Srouji should be guaranteed his standard academic base salary unless and until it is established in a fair hearing that he is unable to generate sufficient income (after having been given appropriate opportunity). Professor Srouji should get at least the same guarantees that other faculty in Clinician Educator and Standing Faculty status get with regard to their group practice income.

On p. 12 of the Response, the President discusses financial recompense as such:

I believe that negotiations concerning the amount and sources of financial recompense should first be attempted among the parties themselves. If the parties cannot reach agreement, then the Panel that considered this grievance should be reconvened and asked to address the question of what financial recompense should be part of a final settlement. Finally, if the recommendations of the Grievance Panel are not acceptable to all parties, I will recommend to the Provost that he obtain independent professional judgment on this issue.

There is no indication of the source of "professional judgment" (or whether the Provost may disregard it entirely). There is therefore, nothing that Professor Srouji can agree to as a "final settlement" here—other than a statement in advance that he will accept whatever the Provost ultimately decides is the final settlement offer, if no agreement has been reached beforehand. Surely, his University base salary should not depend upon an agreement of this sort.

SCAFR proposes a firmer mechanism which builds upon the President's approach.

- (i) Negotiations as suggested by the President; if these fail, then—
- (ii) A reconvened Panel, as suggested by the President, which—after a hearing with all the parties—shall make recommendations which the Provost accepts in advance as *binding* upon the University;
- (iii) If the Provost does not want to make an advance commitment to the Panel's recommendations, and if the parties cannot agree to the recommendations when made, then *binding* arbitration under the rules of the American Arbitration Association.

This, at least, allows a neutral procedure for a definite financial settlement, to which agreement in advance of the outcome might be reasonably proposed.

## D. Approaches to Resolution of the Due Process Issue for the Future

We agree that procedures should be established by the School of Medicine's Committee on Academic Freedom and Responsibility for Professor Srouji's future protection from the kind of actions from which he has suffered in the past. Such procedures should apply to all persons who are comparable members of the Standing Faculty (not—as stated on p. 11, Response—of the Associated Faculty). With regard to all matters except salary, his protection *cannot be less* than that of other tenured members of the Standing Faculty (whether such members have "tenure of title" or just plain "tenure"). With regard to salary, his procedural protections *cannot be less* than that afforded Clinician Educators whose salaries are contingent upon funds being "available" from specified sources, or who are expected to generate income through practice.

We note, further, that whether an issue concerning Professor Srouji in the future (or any person in a comparable situation) concerns salary

withdrawal, the prerogatives of his academic rank and tenure, or the withdrawal of his tenured status altogether, these are certain basic elements of due process to which he is entitled: notice of the action proposed against him; a clear statement of the reasons; opportunity for a fair hearing on the proposed action; and the assistance of at least a "university colleague" in such a hearing. For example, if in the future there is an issue as to whether Dr. Srouji, as a member of CPUP, is in fact generating sufficient income to warrant the payment of his University standard academic base salary (after the initial year), or whether the University has arbitrarily blocked him from opportunity to do so (as was the case with Surgical Associates in the past), there should be a due process review.

Within this context, SCAFR recommends to SEC and the President that the plan of the President to have the Medical School Committee on Academic Freedom and Responsibility develop procedures and criteria be endorsed and pursued. Since such procedures may be relevant to other parts of the University, SCAFR will be happy to review the procedures and criteria so developed.

## V. Conclusions

SCAFR proposes the following resolution for adoption by SEC:

[This section, adopted by the Senate Executive Committee on April 7, 1980, appears in the box below.—Ed.]

### *Submitted by SCAFR\**

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\*SCAFR wishes to thank Professor Robert E. Davies, former Chair of SCAFR, for continuing to act as consultant to SCAFR in its consideration of the issues raised by the Srouji matter.

## Footnotes

1. The President's first explicit comment on the SCAFR Report consists of an argument concerning the relationship between the "Findings" and "Recommendations" of the Panel Report. In our Report, we noted that the Grievant made "an argument of considerable force" which, apparently, the President attempts to rebut in his Response. However, we concluded that "extended comment upon and resolution of this dispute" is *not* necessary in this case. "Certainly, we added, the 'findings' of the Panel as to the 'injuries done' inform their reader with regard to any possible ambiguities in the 'Recommendations' and remedies sections." The Provost's office agreed with the latter view. We are dismayed therefore, to see the President single out this issue for one of his two explicit comments. His response omits what we actually said; it allows readers to think that resolution of the "Findings" versus "Recommendations" issue is essential to this case. His response, so focused, deflects from the more pertinent issues.

More disturbing, however, is the President's second comment on the SCAFR Report. He suggests that the "extremely strong measures advocated by SCAFR" could not have helped the negotiations then in progress between Dr. Srouji and Surgical Associates "to reach a compromise solution." While it is common knowledge on the part of experienced negotiators that "extremely strong measures" advocated by third parties may indeed help the immediate parties reach a compromise solution in negotiations, the fact is that the negotiation between the parties had already broken down. So, at least, Professor Srouji informed us at the time. Subsequent to the issuance of the President's Response, Professor Srouji reiterated this point to SCAFR.

More importantly, perhaps, as discussed in the SCAFR Report, had the University chosen to exercise certain of the "extremely strong measures" last spring, the whole matter might have been resolved long ago. See Recommendations (1), (2) & (3), Section IV (c); also Section IV (D), SCAFR Report of December 10, 1981.

2. Memorandum from Professor Srouji, to SCAFR, commenting upon the President's Response (March 8, 1982).

## V. Conclusion—Recommendations Adopted by the Senate Executive Committee

The Senate Executive Committee hereby:

1. Forwards the SCAFR analysis of the President's Response in the matter of Professor Maurice Srouji to the President;
2. Urges the President to amend his Response so as to correctly identify Professor Srouji as a member of the Standing Faculty;
3. Urges restoration of Professor Srouji to Surgical Associates through the use of the moral and legal tools available to the President:

4. If the President does not take the steps recommended above to restore Professor Srouji to Surgical Associates, then the SEC urges the President to incorporate into his Response and plans for settlement the following recommendations:

*First:* Immediate acceptance of Professor Srouji into the CPUP with the intent of building a collaborative group practice relation among him and other pediatric surgeons as they come into the group.

*Second:* Strict application of the policy of no further appointments, reappointments or promotions of fulltime pediatric surgeons who do not join CPUP. Other measures should be taken to accelerate the process of shifting pediatric surgeons into CPUP. This should include:

- (a) Invitation by the Provost and President to the Chief Pediatric Surgeon, Dr. O'Neill, to join CPUP.
- (b) Discontinuance of University-channeled salary and fringe benefits for pediatric surgeons who fail to join.

*Third:* Removal of the "might well" qualifier upon the University's offer to pay Professor Srouji (out of University funds) a standard academic base salary for the year of renewed practice. Continuance of Dr. Srouji's standard academic base salary thereafter, unless and until it is established in a fair hearing that he is unable to generate sufficient income after having been given fair opportunity to do so.

*Fourth:* With regard to financial recompense:

- (i) Negotiations as suggested by the President; if these fail, then—
- (ii) A reconvened Panel, as suggested by the President, which—after a hearing with all the parties—shall make recommendations which the Provost accepts in advance as *binding* upon the University; or
- (iii) If the Provost does not want to make an advance commitment to the Panel's recommendations, and if the parties cannot agree to the recommendations when made, then *binding* arbitration under the rules of the American Arbitration Association.

*Fifth:* We agree that procedures should be established by the School of Medicine's Committee on Academic Freedom and Responsibility for Professor Srouji's future protection from the kinds of arbitrary actions from which he has suffered in the past. Such procedures should apply to all persons who are comparable members of the Standing Faculty. With regard to all matters except salary, his protection *cannot be less* than that of other tenured members of the Standing Faculty (whether such members have "tenure of title" or just plain "tenure"). With regard to salary, his procedural protections *cannot be less* than that afforded Clinician Educators whose salaries are contingent upon funds being "available" from specified sources, or who are expected to generate income through practice.

We note, further, that whether an issue concerning Professor Srouji in the future (or any person in a comparable situation) concerns salary withdrawal, the prerogative of his academic rank and tenure, or the withdrawal of his tenured status altogether, there are certain basic elements of due process to which he is entitled: notice of the action proposed against him; a clear statement of the reasons; opportunity for a fair hearing on the proposed action; and the assistance of at least a "university colleague" in such a hearing.

Within this context, SEC endorses the plan of the President to have the Medical School Committee on Academic Freedom and Responsibility develop procedures and criteria. SEC further recommends that SCAFR review the procedures and criteria so developed.

The Senate Executive Committee believes that the President's Response, amended as suggested above, will make it possible for the President, the SEC, SCAFR, concerned medical and other faculty, and the University community as a whole to move together towards the two goals we must all seek: assuring that the due process rights, academic freedom and financial opportunities of Professor Srouji, whose rights have already been violated, are restored; and further, that procedures governing the appointment, termination, and financial opportunities of our faculty meet generally accepted standards and are followed.

5. The Senate Executive Committee recommends that the SCAFR analysis, together with the resolution as adopted, be printed in *Almanac*.