

## **Notes for Senate President's Report Meeting 555, November 19, 2014**

1. One reason to have committee meetings is to address during those meetings any objections that committee members might have to draft version of proposals and, thereby, proceed in a more efficient and orderly fashion when committee chairs present proposals to the full Senate. Hence, objections to any given proposal raised members of the committee that is introducing the proposal should more be the exception than the rule.

Reasonable exceptions might include, for example, (1) objecting when a committee member's concerns have been raised but not adequately addressed within the committee (as in a minority report), and (2) objecting when some new problem suddenly occurs to a committee member after a proposal has been introduced on the floor of the Senate.

2. One senator has requested another way ask questions of administrators. In response, Max has agreed to respond to questions during the public-comment section of Senate meetings.

3. One senator has pointed out that the way in which the Senate has traditionally handled friendly amendments is not consistent with the procedure described in *Robert's Rules of Order*.

The section on friendly amendments on page 162 in RONR reads, in part, as follows:

“Regardless of whether or not the maker of the main motion ‘accepts’ the amendment, it must be open to debate and voted on formally (unless adopted by unanimous consent) and is handled under the same rules as amendments generally.”

We should employ this procedure in the future.

4. By April 1, the Elections Committee needs to fill 36 positions for senators and alternates and 13 positions for Senate representatives on university-wide committees.

Please help with this process:

- If you are not term-limited, run for a second term.
- If you are term-limited, help to recruit candidates from your department or unit.
- Help to recruit candidates for university-wide committees.

5. Reasons for shifting to Senate-run elections:

- Avoiding senators and alternates being appointed rather than elected.
- Ensuring that all of the elections are conducted at once.
- Assembling standing committees and the Executive Committee before the 140-day gap

between the last spring and the first fall Senate meeting.

6. The fact that 7 of the 8 current vacancies on the Senate are in the professional staff is probably attributable to a variety of factors, including the following:

- Voting (but not debate) on most of the proposals that the Senate considers is restricted to academic senators. (For example, of the 35 proposals introduced to the Senate last year, only 12 [34%] were voted on by the full Senate.)
- Five of the seven vacancies within the professional staff units are in Academic Services A, B, or C. This might indicate that professional staff in the academic units already feel well represented and informed by the faculty senators and alternates in their units.
- When there's an impending threat that affects everyone—such as proposed cuts in healthcare insurance—more people are inclined to serve on the Senate. We're not currently facing such a threat.

7. The Administration approved the attached Senate Proposal 9-15, “Revising Senate Procedures 108.1.1: Formats for Proposing New Academic Programs.”

8. In response to the Administration's request for a yes-or-no vote on banning e-cigarettes on campus, one of the most prominent threads in the comments from Senate constituents was a recommendation from 24 people to ban the use of e-cigarettes inside campus buildings but not outside.

As legal scholar and civil libertarian Zechariah Chafee (1885-1957) wrote:

Your right to swing your arms ends just where the other man's nose begins.” To find the boundary line of any right, we must get behind rules of law to human facts. In our problem [freedom of speech during wartime], we must regard the desires and needs of the individual human being who wants to speak and those of the great group of human beings among whom he speaks. That is, in technical language, there are individual interests and social interests, which must be balanced against each other, if they conflict, in order to determine which interest shall be sacrificed under the circumstances and which shall be protected and become the foundation of a legal right. It must never be forgotten that the balancing cannot be properly done unless all the interests involved are adequately ascertained, and the great evil of all this talk about rights is that each side is so busy denying the other's claim to rights that it entirely overlooks the human desires and needs behind that claim.

— “Freedom of Speech in War Time,” *Harvard Law Review*, 32.8 (June 1919): 932-973 (p. 957)

This point seems to apply to indoor use of e-cigarettes, but it's much harder to make with outdoor use.

Hence, to avoid paternalism and the “nanny-state” argument, this policy might be based not on concerns about the health of e-cigarette users *per se*, but on risk-management concerns that affect all of us, including increased health-insurance costs for everyone on a group-insurance plan and the group costs of lawsuits involving employees’ exposure to unregulated workplace hazards.

According to Michigan Tech Director of Risk Management Janet Hayden,

“This is an emerging issue in the risk management field as e-cigarettes are not regulated by the FDA, except for e-cigarettes that are marketed for therapeutic purposes. The health impacts of e-cigarettes are still being considered at the state and federal level, and Michigan Tech will be monitoring their findings, and will continue to keep abreast of this issue through our risk management associations and industry journals.”

9. From Senator Jon Riehl:

“The WorkLife Programming Advisory Committee is charged with enhancing the quality of WorkLife balance for Michigan Tech employees through “quality assessment, policy guidance, benchmarking, and programming & resources.”

“The committee is to be composed of the following for FY15 and FY16: 9 members; numbers reflect the percentage of employee types at the University: Faculty (2 members), Staff (4 members, including a representative from HR), UAW (1 member), AFSCME (1 member), graduate students (2 members in 1 shared position).

“The committee will be meeting December 4<sup>th</sup>. If you are interested in serving on this committee or getting more information about the committee, please contact Ann Kitalong-Will at [amkitalo@mtu.edu](mailto:amkitalo@mtu.edu).”

10. Senate Proposal 32-14 “Notification Time for Changes in Fringe Benefits and Questions for Healthcare Insurance Consultants” was approved by the Senate on April 23, approved by the Administration with proposed amendments on July 10, and approved by the Senate as amended on September 24.

Hence, the Senate is now authorized to pose questions to be researched by any healthcare insurance consultants (such as Aon Hewitt) with whom the Administration contracts.

Director of Human Resources Renee Hiller has announced that the BLG will not be meeting because Michigan Tech is currently meeting projections for benefits. However, whenever the Administration next contracts with a healthcare insurance consultant, the Senate is to be provided an opportunity to include questions in the list of those questions that will be researched.

11. Which directors count as equivalent to deans and, hence, are not Senate constituents?

The Senate’s Executive Committee has suggested several ways of clarifying this distinction:

- Directors of research centers, as a group, do not have the same status as deans and, hence, should still be Senate constituents.
- Only those directors whose positions appear on the University's organizational chart should be considered for possible exclusion as Senate constituents.

Waiting for HR's advice on this.

## 12. Upcoming Meetings

- President's Campus Forum (sponsored by the Staff Council): Tuesday, December 16 <http://www.mtu.edu/president/>
- Executive Committee breakfast with Board of Control, 8 a.m. Friday, December 19.
- Board of Control meeting, 9 a.m. Friday, December 19.
- University finances and budget forum, cosponsored with the Staff Council, USG, and GSG: Wednesday, January 28 from 2-5 p.m. in Dow 642.