

THE SENATE OF MICHIGAN TECHNOLOGICAL UNIVERSITY  
Minutes of Meeting No. 199  
16 September 1993

SYNOPSIS: The Senate

- (1) approved the minutes of Special Meeting No. 1 (1992-93),
  - (2) learned that Senate representatives and the Board of Control's lawyer had worked out a compromise wording for Section III-C of the new constitution,
  - (3) received for comment a draft policy proposal from the Special Hiring Committee,
  - (4) accepted the new constitution with the compromise wording of Section III-C of the new constitution,
  - (5) defeated a motion to return the revised constitution to the constituency,
  - (6) elected a president, vice-president and secretary for the new academic year.
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I. Call to Order

The Senate met at 5:30 pm on Thursday, 16 September 1993, in Room B37, Electrical Energy Resources Center. Secretary Keen announced that he had just talked with President Sharik on the telephone. Sharik had been misinformed about the meeting time because of confusion caused by the rescheduling of K-Day, and would arrive late at the meeting. Sharik had suggested that the Senate could proceed with some routine business until his arrival. Keen said that Vice-President Vilmann was absent, and the constitution did not provide for a line of succession past the Vice-President. Keen called the meeting to order at 5:35.

II. Roll Call of Members

24 Senators or alternates were present. Provost Dobney was present. Senators or alternate representatives from the following units were absent: Air Force ROTC, Humanities, IWR, Mining Engineering, Grad Student Council, and Undergraduate Student Govt. Absent Senators-at-large: Boutilier, Hubbard.

III. Introduction of New Senators

Keen referred to the list of senators [Appendix B of these minutes] that accompanied the agenda, and said that several units had not yet elected new senators, and that full introductions would be delayed until the next meeting.

IV. Agenda Adjustments

Keen proposed altering the agenda [Appendix A of these minutes] in a flexible manner to accommodate the delayed arrival of President Sharik. Necessarily postponed items included approval of the minutes, report of the President, etc.

V. Report of the Senate Vice-President

Keen said that Vice-President Vilmann had prepared a report on the activities of the Board of Control since the last Senate meeting, and that copies would be distributed at the next meeting.

VI. Reports of Committees

A. Elections Committee. Committee Chair Heyman said the Committee

had no report except passage of the proposed constitution in the spring referendum [Appendix C of these minutes].

B. Board of Control Liaison Task Force. In Vilmann's absence, Glime commented briefly on a Board meeting in which the tenure decision of the new Dean of Engineering was tabled.

C. Ad Hoc Nominating Committee for Senate Officers. Keen referred to the report of the Nominating Committee which was attached to the agenda [Appendix D of these minutes], and noted that the Committee had contacted several senators who had not accepted the Committee's nominations. Keen said that nominations would be accepted from the floor during the elections scheduled under New Business.

D. Constitution and Constituency Committee. Committee Chair Heuvers drew attention to the Sharik-Dobney memo [Appendix E of these minutes] attached to the agenda. Heuvers said the Board of Control had found Section III-C of the proposed constitution to be unacceptable. Heuvers said that the Board had not accepted rewording of Section III-C as proposed in the memo. The phrase "...no policy shall be established without the approval of the Senate" simply was not acceptable to the Board. The Board had approved the constitution, with the condition that mutually suitable language for III-C could be worked out between the Senate and the Board's lawyer.

Heuvers referred to the agenda attachment [Appendix F of these minutes] for a compromise wording of III-C worked out with the Board's lawyer and Senate officers and Committee members. Heuvers said the constitution was pre-approved by the Board if the Senate was willing to accept the language.

Keen said the Senate was presently operating in a sort of limbo, with the Board having approved a constitution proposed by the Senate, but with changes that had to be accepted by the Senate.

Mullins asked whether the change was to be voted on under Old Business. Heuvers said the Senate should vote on the minor changes proposed by the Board. Filer asked whether the Committee had recommendations on the change. Heuvers replied that the Committee had negotiated the change and favored it. Keen said the Senate had to decide what to do with the change, whether to send it to the constituency for a referendum, or simply vote on it.

E. Report of the Liaison to the Special Hiring Committee. Glime distributed a Committee draft document titled "Special Initiative for Hiring Under-Represented Faculty" [Appendix G of these minutes]. Glime asked for feedback from senators and constituents about the document, and said that the Senate will need to approve some policy soon. Leifer asked for names of the Committee members. Glime replied that the 12 members included McCoy, Grimm, Glime, Byers-Sprague, Courtney, several students, and others. Keen asked how the Committee would proceed. Glime said they were looking to the Senate for guidance. Possible action included a Senate vote, or an open forum perhaps sponsored by the Senate. Keen asked if this were a case of an administratively appointed committee asking the Senate for its next action.

Provost Dobney said that much controversy surrounded the idea of special hiring, not only how to do it, but whether to do it, how it was to be handled, and who had first dibs on the funds. Dobney said that the policy introduced the idea of departmental ownership of the positions - that if the persons hired under the provisions of the position really were qualified, then at some point the departments should assume responsibility for their salary or make some other commitment. Dobney said the objective was to diversify the faculty, but to do it so there is no adverse reflection on persons hired under the normal process who might fit

in these categories. The goals are to ensure that the persons are well qualified, and that departments have equal opportunity to compete for the positions. Dobney said any help the Senate could give in accomplishing the goals would be appreciated.

Heyman said the proposed constitution permitted proposals to originate with the university president or representatives. He added that given the controversy surrounding the policy, there should be an open forum and sufficient time allowed for discussion, followed by a Senate vote and forwarding of the approved policy to the president. Glime asked about arranging an open forum. Keen replied that the Committee could hold an open forum on its own, without a Senate decision. Heuvers suggested that the Committee send a report to the Lode before holding an open forum, since this is a topic on which the Lode has already published a lot of comment.

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F. Institutional Evaluation Committee. In the absence of Committee Chair Hubbard, Mullins distributed a report [Appendix H of these minutes], and summarized it briefly. Mullins asked about the final disposition of Proposals 2-92 and 3-92. Keen said these proposals had been submitted by the Senate president to the Provost for implementation in July. Dobney said the proposals were still on his desk, and would be implemented. Heyman asked about the status of the University Arbitration Committee proposed by the document. Mullins said he thought this committee was supposed to handle disagreements arising from implementation of faculty governance.

#### VII. Old Business

A. Senate Representation on University Committees. Keen referred to the agenda attachment [Appendix I of these minutes] which listed the persons selected by the university president for service on three university committees. A slate of nominees had been forwarded to the administration by the Senate in the spring.

B. Adoption of New Constitution. Keen called attention to the agenda attachment [Appendix F] with the compromise wording of Section III-C for the new constitution, and asked what the Senate wished to do with it. Keen said he thought that the compromise greatly weakened the proposed constitution, and asked whether the weakened document was an improvement over the old constitution. Roblee agreed that the Senate seemed little better off with the compromise. Glime said that under the new constitution, the Senate could submit proposals directly to the Board of Control, which was a major improvement. Heuvers said that the new constitution put the Senate and the administration on an equal footing with the Board. Heyman asked if the Senate could submit things directly to the Board. Heuvers said the Senate could go directly to the Board in the event of a presidential veto of a proposal. Mullins said a major advantage of the new constitution was the definition of procedures for taking proposals to the Board; however, he thought the new wording did weaken the constitution. He suggested that a return to the drawing board would be a long-winded and marginally fruitful exercise.

Mullins asked if the revised wording needed to be taken to the faculty in another referendum. Keen replied that the Senate had to decide that point. Bornhorst said that the new constitution represented advances in several areas, including the ability to discuss financial policy. Heuvers said the Senate had a two-part task; the Senate first had to approve or disapprove the new wording, and then had to decide the next step after approval or

disapproval. He proposed that the second step be delayed 90 days to allow any ballot initiative to be generated by the constituency that might overturn the Senate decision.

Dobney said that the wording was as strong as the Board would allow, so the question for the Senate was "Is this good enough?" Dobney said that the compromise wording provides the Senate with assurance that normally the Board would not make policy in the listed areas without Senate input. Dobney said that "normally" is interpreted to mean "except in dire emergencies". Dobney added that the administration had to work hard to get the Board to accept the change. He said that the Board values the opinion of the faculty expressed through the Senate, and now wants that opinion before making policy. Dobney said that acceptance of the original wording could be interpreted as an abdication of legally mandated responsibility by the Board.

Heuvers moved that the Senate accept the changes in Article III-Section C negotiated by Senate representatives and the Board's lawyer. Glime seconded the motion. The motion passed, without opposition.

Keen asked for the Senate's next action, noting that a 90-day wait for constituency reaction would mean that the non-academic groups would not have Senate representation before 1994. Grzelak moved that the revision be submitted as a referendum to the constituency that originally voted on the constitution. The motion was seconded. Heuvers asked if the motion referred to the whole constitution. Grzelak said the referendum would be only on the change. Keen said a negative referendum vote would leave a confused situation. Bornhorst said a positive vote on the motion would mean the change was substantial enough to send the matter to the constituency, and a negative vote would leave the new constitution in place unless the faculty produced a ballot initiative.

Heyman asked whether the Board considered the new constitution to be binding currently. He asked whether a referendum rejecting the new wording would be a symbolic or an effective vote. Dobney replied that the new constitution was approved except for a proviso on the one piece. If the piece were rejected in a referendum, then the piece is in limbo and would have to be re-negotiated with the attorney. Dobney added that the new constitution was in effect, assuming the piece was taken care of. Mullins said the Constitution and Constituency Committee had made provision in the proposed constitution for editorial changes. Further, the changes do not alter the reality that the Board has the authority to do what they want to anyway. Heuvers said the compromise wording was done carefully to preserve the rest of the constitution as much as possible.

Heyman directed a question to the Provost and the Committee members, asking whether it might be possible to obtain a more precise wording than "normally", adding that the Board sort of "normally" created Ventures. Heuvers replied that "normally" was directly from the university lawyer, who insisted on it. Dobney added that the lawyer's interpretation means "under extreme circumstances", but that the lawyer gets to define those anyway.

Heuvers commented that elections of representatives from non-academic groups can proceed under the new constitution, since it had been approved by the Board. Bulleit said that the compromise wording was done under legal constraints and did little to change the intent of the constitution. Most faculty would not understand why it was being resubmitted as a referendum, and that any sort of bizarre vote might be returned. Filer said that a referendum vote seemed to be beating a dead horse. Keen said that this dead horse had been bruised a lot already.

Grzelak said that the simple statement of "no policy shall be established without the consent of the Senate" was being taken away, and that this constituted a major change. Heuvers said that the Board had voted not to grant that authority to the Senate, so

the issue was essentially dead. The motion failed 1-20.

Keen said that, barring a ballot initiative from the constituency, the new constitution was in effect.

#### VIII. New Business

A. Election of Senate Representative to the Selection Committee for the Dean of Business Administration. Keen said that Sharik had placed the item on the agenda with a phone call, and had not specified the number of Senate representatives needed. Davutyan said that one person was needed from the Senate. Dobney said that the Committee was chaired by Dean Max Seal and included six elected faculty from the School of Business, an alumni representative, an undergraduate and graduate student elected from within the school. Dobney added that it was desirable for the Senate to select its representative from outside the School of Business, and as soon as possible. Keen said that the individual might come from the whole constituency, and added that the Senate had bobbled its previous assignment to elect two members to the Selection Committee for the Director of Information Technology.

Mullins suggested asking for a volunteer. Heyman reviewed the election procedures for Senate representatives to the Special Hiring Initiative Committee, as well as the presidential and provostial search committees. Heyman suggested selecting any volunteers, or appointing a senator as a temporary Committee member until the next meeting. Keen called for volunteers. With none forthcoming, Keen suggested that senators find volunteers in their departments, and bring back names to the next meeting.

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B. Election of New Officers. Keen gave the floor to Elections Committee Chair Heyman to conduct the election of Senate officers. Heyman referred to the report of the Ad Hoc Nominating Committee [Appendix D] and confirmed Bornhorst's acceptance of the nomination for president. Heyman called for nominations from the floor; there were none. Heyman distributed ballots for president and stated that the ballots contained a line for write-in votes, that the secret-ballot procedure was proper even with a single nominee, and that the election of officers would take place in sequence. Provost Dobney said an announcement of the new policy of 25% release time for the president should have been made before nominations closed. Heyman reported that Ted Bornhorst was elected president, 21-0.

The floor was opened to nominations for vice-president. There were no nominations other than the three reported by the Nominating Committee. A motion to close nominations was seconded and passed. After balloting, Heyman reported that Patricia Moore was elected vice-president. The floor was opened to nominations for Senate secretary. Keen stated that he had accepted the nomination of the committee. A motion to close nominations was seconded and passed. After balloting, Heyman reported that Bob Keen was elected Senate secretary. Heyman thanked all the individuals who had volunteered to stand for election.

C. Meeting Dates for the Senate. Keen introduced a discussion of Senate meeting dates by noting that two options were available. Sharik had proposed meeting every first and third Wednesday of each month, where possible. An alternative schedule circulated with the agenda [Appendix J of these minutes] provided a meeting every two weeks. Bornhorst suggested that only the next meeting be scheduled, and that the Executive Committee consider the subject of meeting dates.

Mullins asked whether the 5:30 meeting time would be retained.

Keen replied that it would; the 5:30 time was the best compromise if the 7:30 adjournment was firmly maintained. Grzelak asked about the results of the spring survey, stating that more frequent meetings were not a problem if they were held to two hours.

#### IX. Recess and Reconvention

With the arrival of President Sharik at 7:00 pm, Keen declared a five minute recess.

President Sharik reconvened the meeting at 7:08. Sharik said he wanted his timeliness to go on record, because the meeting announcement and agenda he had received indicated a 7:00 meeting time. Keen confirmed the notice. Sharik called for a return to several agenda items that had been bypassed.

#### X. Approval of Minutes

The minutes of Special Meeting No. 1 (1992-93), held on 21 April 1993, were accepted and corrected. Heuvers asked whether the results of the roll call vote for the four-year Technology Proposal should be included in the minutes. Keen said that precedent existed in previous minutes for omitting roll call results by name, citing two votes for the constitution. Heyman asked whether it was worth the effort of redoing the minutes. Heuvers said it would be more consistent to include roll call vote results by name in future minutes. Grzelak moved that the minutes be approved as corrected; Roblee and Heyman seconded the motion. The motion was approved without opposition.

#### XI. Report of the Senate President

Sharik distributed a summary list of topics he wished to share with the Senate [Appendix K of these minutes]. He reviewed some recent Senate accomplishments, noting especially that the teaching honor roll needed to be revisited. As new areas of involvement, Sharik listed the faculty handbook, faculty recognition, and teaching effectiveness.

In some personal reflections on critical issues for the future, Sharik said that tenure and promotion policy needed particularly to be brought under Senate auspices. He also indicated that salary equity for faculty and professional staff was a continuing problem, with some full professors earning less than middle managers. Sharik also said it was vital for the Senate to continue bettering its working relationship with the Board of Control.

Sharik said that staffing of Senate and University committees was a continuing problem, and the process needed to be coordinated. Sharik said that he would like Michigan Tech to become a leader in the matter of hiring minorities and women, exceeding the national averages in this area.

Sharik mentioned that scheduling of university holidays needed to be examined for its effect on the academic mission of the university. Sharik said that in his own and his colleagues' experiences at other universities, many of the events similar to homecoming, winter carnival, K-day, etc., are held on weekends, not during the week. The problem is acute for courses with multiple lab sections.

Sharik said that the Senate could take the lead in implementing Total Quality Management (TQM) across the university by incorporating TQM in its own business. He also said that the administration was supporting shared governance by financing release time for the Senate president and secretary, and by providing a half-time secretarial position to the Senate.

Sharik called for questions. Heyman said that he had spoken with Carol MacLennan, chair of the University Tenure and Promotion Committee, who had expressed interest in coordinating their review of policy with the Senate. Sharik said that cooperation was also expected with the new Ad Hoc Committee for a Conflict of Interest Policy. Heuvers said the new constitution specified tenure and

promotion policy as Senate business.

## XII. New Business (continued)

A. Meeting Dates for the Senate (continued). Sharik distributed a list of proposed meeting dates [Appendix L of these minutes], based on the preferred option of two-hour meetings held twice monthly. Sharik said that scheduling meetings for the first and third Wednesdays worked best through the academic calendar, but that the Senate could decide between Sharik's list and the list furnished with the agenda.

Leifer moved that the next meeting be set for September 29, that the new officers meet to decide a schedule, and that the schedule be presented to the Senate at the next meeting. The motion was seconded. Glime proposed as an amendment that the motion include a twice monthly basis for meeting. Grzelak proposed as another amendment that the meeting times be limited to two hours. Both amendments were accepted as friendly. TV studio personnel said that studio would be available on the 29th.

The motion passed without opposition in a voice vote.

## XIII. Announcements

Glime inquired about the Board of Control Liaison. Bornhorst said the new Executive Committee would handle the appointment.

Sharik offered a general thank you to all individuals who had worked in and with the Senate in the preceding year. He announced that he was leaving the university in late November, having accepted the headship of the Department of Forest Resources at Utah State University. Sharik said he would be happy to provide historical perspective on some of the issues that would confront the Senate in the future.

## XIV. Adjournment

Leifer moved to adjourn. There were many seconds. President Sharik declared the meeting adjourned at 7:40 pm.

Submitted by Robert Keen  
Senate Secretary

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