

THE SENATE OF MICHIGAN TECHNOLOGICAL UNIVERSITY

Minutes of Meeting No. 225

7 December 1994

Synopsis: The Senate

- (1) Rejected Proposal 14-95, which would have nullified Proposal 3-95 (restricting to Senators and Alternates voting rights on Senate standing committees).
- (2) Heard that the Administration had rejected Proposal 7-95: Grading Change
- (3) Made numerous changes to Proposal 6-95: Policy on Discrimination and Prohibited Conduct. It will be reconsidered later.

1. CALL TO ORDER AND ROLL CALL

President Bornhorst called the meeting to order at 5:33 pm on Wednesday, December 7, 1994 in Room B37 of the Electrical Energy Resources Center.

Secretary Jobst called the roll. Absent were Senators-at-Large Filer and Grimm; representatives from Computer Science, the School of Technology, AFROTC, IWR, and NAGrp 3. Absent Liaison members were Deans Lumsdaine and Seel; CTS Director Cross and a representative from Staff Council.

2. RECOGNITION OF VISITORS

The Senate was blessed with numerous visitors: Patty Kyllonen and Ellen Horsch (Human Resources), Bruce Seely (SS), Ted Grzelak (EE), Bill Predebon (ME-EM), and Eric Obermeyer (ME-EM grad student). Traditional visitors were F. Dobney (Provost and Executive Vice President), and M. Goodrich (Tech Topics).

3. AGENDA ADJUSTMENTS

[Appendix A. NOTE: only official Senate and Library archival copies of the Minutes will contain a full complement of appendices.] President Bornhorst asked for one agenda adjustments: Under "6. Committee Business/Reports" add a "C. New Senate Representatives Request."

PROPOSAL 14-95

Senator Leifer then asked to move 8. B: Proposal 14-95: Rescinding Proposal 3-95 [Appendix B] to "New Business." No one objected. Brokaw then MOVED and Leifer seconded to approve the agenda adjustments. Keen said that 14-95 is not new business, and he has not had the fourteen day opportunity to show this proposal to his constituents as stated in the constitution. "Moving this is unconstitutional," he concluded. The Senate Secretary then called the roll for the vote on approving the two agenda adjustments: thirteen to thirteen; the motion FAILED for lack of a majority.

Leifer then MOVED and Arici seconded to consider 14-95 as an emergency proposal. Bornhorst added that if the motion were approved, proposal 14-95 would be considered immediately. Arici argued that immediately after the Senate meeting the Finance Committee would be meeting, and they needed to know the status of 14-95 and who could vote on Senate standing committees. The Senate voted via written ballot on whether to accept the proposal as an emergency: the motion CARRIED fourteen to twelve.

Bornhorst asked if there were objections to the voting units: the full Senate. There were none. He then explained his ruling on why the

proposal called for a 2/3 vote, stating that the constitution does not address the issue of rescinding proposals, which means the issue passes to Robert's Rules of Order, which identifies the 2/3 rule. Bulleit objected to the ruling, and Leifer said he did not use the word "rescind" when he called for a reconsideration of Proposal 3-95. Bornhorst called for a voice vote on whether to overrule the Senate President and consider the proposal by a simple majority. The Senate overruled the President and CARRIED the decision to use a simple majority .

Leifer then MOVED and Arici seconded to approve Proposal 14-95. Bulleit asked for a clarification, and Bornhorst explained that a vote for the proposal would rescind Proposal 3-95, and thus individuals need not be Senators nor Alternates to serve and vote on any Senate standing committee. Reed asked if the By-Laws referred to this concern, and Bornhorst said "no." Irish compared the situation to the Federal Government, which allows lobbyists to try swaying representatives, but the lobbyists themselves may not vote.

Leifer argued that the issue of Proposal 3-95 must be reconsidered because of the effect made on the Senate by the e-mail distributed at an earlier Senate meeting. It had undue influence, Leifer said, on the vote for 3-95. Whitt said the situation gave the appearance of a lack of fairness. Roblee CALLED THE QUESTION, and his motion to end discussion CARRIED on a voice vote. By written ballot the Senate voted twenty to 6, with 1 abstention against Proposal 14-95, which FAILED, and Proposal 3-95 stands, calling for voting members of Senate standing committees to be reserved solely for Senators and Alternates.

#### AGENDA ADJUSTMENTS

Bornhorst then repeated the earlier agenda adjustment: adding a "C" to section 6. Mroz MOVED and Irish seconded to approve the one agenda adjustment. The motion CARRIED on a voice vote.

#### 4. APPROVAL OF MINUTES

Meeting 223

Brokaw MOVED with Bulleit's second to approve the minutes of meeting 223. The motion CARRIED on a voice vote.

#### 5. REPORT FROM SENATE PRESIDENT

##### A. Proposal 7-95: Grading Change

[Appendix C]. Bornhorst said the administration had informed him the proposal was rejected because it would take time and money to implement and may not have the desired effect anyway. Instead, the Provost suggested that the Registrar's Office would place a written explanation on the front of transcripts identifying the grading system of MTU students. Keen objected, stating that the Instructional Policy Committee had received approval from student representatives, and the administration implies that the Deans and Directors are running the University. "This inane rejection [of 7-95] shows the Senate lacks impact," Keen said.

Dobney said he thought no one felt strongly about this proposal but Senator Keen. Bornhorst pointed out that the Senate has the power to take this issue to the Board of Control if the Senate, by a 2/3 vote, expresses the need. He asked the Instructional Policy Committee to consider this issue and provide a recommendation to the Senate.

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B. Bornhorst said he had met with the GSC to discuss improved communication between the GSC and the Senate.

C. He has also talked to the Chair of the Computer Advisory Committee, Dave Poplawski (CS). Bornhorst will keep the Senate informed of activities here.

D. The Research Policy Committee has been asked to look into an internal faculty development grants program [Appendix D]

E. Proposal 6-94: Chemstores Proposal has been withdrawn. This proposal, from last year, originated outside the Senate. To avoid outside proposals from being lost, Bornhorst explained, the Senate Officers immediately assign a proposal number to them whether they are sent to committee or the Senate. Proposals from Senate committees, on the other hand, are not assigned a number until they are ready for presentation to the full Senate. The sponsors of 6-94 no longer wished the Senate to consider their proposal.

F. Proposal 8-95: University Health Care.

This proposal was formally transmitted to the Administration. Bornhorst mentioned that the Houghton Daily Mining Gazette had publicly announced the University Administration had accepted this proposal, so there was no need for the Administration to notify the Senate.

## 6. COMMITTEE BUSINESS / REPORTS

### A. CONFLICT OF INTEREST STATEMENT

Bornhorst introduced Bruce Seely (SS), chair of the committee which worked on this proposal, then solicited comments or questions for Seely. Brokaw asked for a clarification on the committee's view of "consulting." Seely said the committee would be meeting soon to discuss this topic.

Bulleit said the proposal was "overkill" and said if a Director were hired in the future and required to sign off on research proposals, the paperwork won't be mailed in time. Seely said the committee expects a uniform policy for everyone, and a coordinator should not generate more difficulties than the present system.

Dobney and Seely discussed the attorneys' report on the Conflict of Interest statement (the University selected outside attorneys rather than those currently on retainer). Their report dealt primarily with category 4 "inconsistencies" and problems with consultants hired by the University. The consultants' advice might affect their future contracts with the University, the Senate learned.

Seely said he was checking on possible state laws prohibiting instructors from receiving royalties paid on textbooks assigned in their classes. The committee hopes to meet again with the Senate, then complete a final draft.

McKimpson asked why the proposal calls for an ad hoc committee rather than a standing committee to deal with possible conflicts of interest. He asked if the committee won't have trouble locating members. Seely replied that any potential conflict issues need to be studied on a case-by-case basis.

Bradley asked why the Research Policy Committee did not receive the proposal before it appeared before the entire Senate. Bornhorst said the issue covers the terrain of numerous committees, and the Senate was offering advice now on drafts, as a committee would do.

Bradley said the outlined procedures were vague, and Seely responded by saying "This is a policy document; procedures will come later. The latter issues are not the concern of our committee." McKimpson asked who would generate the procedures, and Dobney said he hoped the Senate and the Administration might work on them together.

### B. BOARD OF CONTROL RELATIONS

Bornhorst noted that the Senate Officers plus Senators Keen and Bulleit discussed the topic of "teaching" at a breakfast with the Board on November 18th. Bornhorst made a formal presentation to the BoC on the afternoon of the 19th.

### C. SENATE REPRESENTATIVES ON COMMITTEES

1. Max Seel, Dean of Sciences and Arts, requires a formal review since he is in his fourth year. The Administration needs by December 19th a representative from someone not in the College of Sciences and Arts.

2. Bornhorst said he will ask Bill Predebon (ME-EM) to continue through this academic year as chair of the Distinguished Teaching Award committee. Next year, with changes recommended by the Ad Hoc Committee on Teaching, the Senate will concern itself with a new chair.

## 7. OLD BUSINESS

### A. PROPOSAL 6-95: POLICY ON DISCRIMINATION AND PROHIBITED CONDUCT

[See Minutes, pg. 4693 for a copy of this proposal.] Whitt read a prepared statement [Appendix F], then MOVED that her amendment from the previous Senate meeting [Appendix G] be tabled until the Senate decided which of the two current versions will be under consideration. Leifer seconded. There was no discussion, and the motion to table CARRIED on a voice vote.

Discussion then focused on Keen's amendment, a rewriting of the initial proposal. Bulleit said Keen's amendment was clearer [than the original], but he wondered why we needed this proposal at all. Bornhorst reminded the Senate that the topic under consideration was not whether the proposal was necessary, but whether to accept the Keen version. Discussion then ended, and the Senate, on a voice vote, CARRIED the motion to replace the original draft with Keen's amended/rewritten version.

Dobney responded to concern regarding the proposal's statement identifying the Provost as arbiter of whether someone had committed a misdeed against 6-95. "I don't want to make such decisions," he said. "A committee will do this. The Administration, however, will not bring before the Board of Control any procedures, only policy, and that's why this proposal can only include general policy." Bornhorst suggested the addition of "in consultation with the Senate," which Dobney accepted. Dobney said the Board wants a "single neck" to hang; that is, only one person ultimately responsible.

Reed said the list of offenses seemed redundant, considering that state law also identifies the actions as illegal. Dobney explained that the proposal gives the University the right to take action against malefactors in their relationship to the University.

Whitt MOVED and Brokaw seconded to strike paragraph A, but Dobney said this paragraph was added by an attorney, although he was not sure why. The document deals with legal issues, Dobney continued, and thus we needed attorneys' views on it; otherwise the Board would not accept it.

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With no further discussion on this issue, the Senate, on a voice vote, CARRIED the striking of paragraph A.

Givens MOVED and Bradley seconded to strike only paragraph B, although other Senators encouraged him to delete paragraphs B through D. Bradley complained that the sections contained only partial lists. Bulleit and Givens gave examples of possible misconduct and asked if the proposal would cover them. Heyman said no policy could possibly cover all cases; "the strongest amendments in the Bill of Rights," he said, "contain the simplest wording." Glime said paragraphs B through E do not function as policy but rather example. Discussion ended and on a voice vote the Senate CARRIED the motion to strike B.

Glime MOVED and Arici seconded to strike C and D. No further discussion, and the Senate CARRIED this motion.

Bornhorst identified the remaining final paragraph as being now nonsensical since it related to paragraphs since removed, and he suggested changing the beginning of the sentence from "The following behaviors" to "These behaviors" and moving the entire sentence to the end of the previous paragraph. Arici so MOVED and Irish seconded. After

discussion ended, the Senate CARRIED this motion on a voice vote.

Reed MOVED and Mroz seconded to add the phrase "ranging from reprimand to dismissal" to the end of the new final paragraph. After discussion ended, the Senate CARRIED this motion on a voice vote.

Brokaw MOVED and Whitt seconded to add "and Board of Control policy" to immediately after the words "Elliott-Larsen Civil Rights Act," at the end of paragraph four. After discussion ended, the motion CARRIED on a voice vote.

Whitt MOVED and Brokaw seconded to add "in consultation with the University Senate" to the end of the last sentence. Without discussion, the motion CARRIED on a voice vote.

Bornhorst told the Senate the motions easily qualified as "substantial editorial changes" and he would distribute a new copy of the proposal for consideration at a later meeting. There were no objections.

#### AGENDA ADJUSTMENT

At this point Bornhorst requested an amended agenda so that a new proposal, 13-95 [Appendix H], could be discussed at the next Senate meeting.

Bornhorst also wanted the chair of the committee related to 10-95, who was a Senate visitor, to speak for her committee's work. Heyman MOVED and Bulleit seconded to amend the agenda. With no discussion, the motion CARRIED on a voice vote.

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[Section moved by agenda adjustment.]

#### 7 D. PROPOSAL 10-95: RECOMMENDATION ON DISCIPLINARY / DISCHARGE POLICY

The Senate did not make a motion to approve this proposal; the purpose was merely to discuss it. Additional time was needed before a vote was allowed under constitutional procedures. Bornhorst introduced Patty Kyllonen, the chair of the committee.

Kyllonen pointed out that a key point in the proposal is the phrase "just cause," which applies to union contracts, but some non-represented staff don't have it. Horsch said that something occurred in 1987 which provoked the University into introducing the "at will" phrase, and from that point non-represented staff could be discharged, literally, at the will of the University, without recourse. Dobney said this change in wording would be difficult to get past the Board of Control, but it should be done: "We need to take the high [moral] ground on this one," he said. Dobney said the difficulty should be lessened if the phrase can be placed in the staff handbook, and if the administration can obtain evidence that MTU's benchmark schools have it.

#### 7 B. PROPOSAL 13-94: ATMOSPHERIC SCIENCE OPTION IN THE B. S. IN GEOLOGY DEGREE

No discussion occurred on this proposal.

#### 7 C. PROPOSAL 9-95: ABSENCE FROM REGULARLY SCHEDULED CLASS MEETINGS

Keen requested a review of this proposal by the Faculty Handbook Steering Committee.

#### 9. ADJOURNMENT

Leifer MOVED with Miner's second to ADJOURN. No one objected, and the motion CARRIED by everyone leaving. Bornhorst declared the meeting adjourned at 7:27 pm.

Submitted by Jack Jobst  
Secretary of the University Senate

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