

THE SENATE OF MICHIGAN TECHNOLOGICAL UNIVERSITY

Minutes of Meeting No. 229

25 January 1995

Synopsis: The Senate

- (1) Heard a report from the Senate Finance Committee on the funding for the new Environmental Sciences Building
 - (2) Passed Proposal 17-95: Certificate in Mine Environmental Engineering
 - (3) Passed Proposal 18-95: Revision of Senate Bylaws
 - (4) Passed Proposal 4-95: Definition of Academic Appointments
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1. CALL TO ORDER AND ROLL CALL

President Bornhorst called the meeting to order at 5:34 pm on Wednesday, January 25, 1995 in Room B37 of the Electrical Energy Resources Center.

Secretary Jobst called the roll. Absent were representatives from both ROTC units and NaGrp 3. Liaisons attending were Brian Whitman and Aaron Dufrane.

RECOGNITION OF VISITORS

Visitors included Francis Otuonye (MG), Ellen Horsch (Human Resources), Sue Beske-Diehl (GE), Beth Flynn and Ruthann Ruehr (HU), Bruce Seely (SS), Eric Obermeyer (ME-EM Grad Student), Jim Pickens (Forestry/Wood Products), and Marcia Goodrich (Tech Topics).

3. AGENDA ADJUSTMENTS

President Bornhorst made only two agenda adjustments: Under "6. Committee Business/Reports," raise "D" to the top of the list of items; and under "7. Old Business," lower "B. Proposal 13-95" to the end of this section. [Appendix A. NOTE: only official Senate and Library archival copies of the Minutes will contain a full complement of appendices.]

Leifer MOVED to approve the agenda adjustments; Arici seconded. Since there was no discussion, and no one from the floor offered any further adjustments, Bornhorst said he would consider the adjustments approved if no one objected. No objections came from the floor, and Bornhorst declared the agenda approved as adjusted.

4. APPROVAL OF MINUTES

Meeting 227

Keen asked why several sections contain the statement "See pg. Xxx for a copy of this proposal." Jobst explained that keeping track of appendices' pages is problematic during the time frame while the Minutes are being generated, and the "x's" substitute until the Senate office staff can determine exactly what the numbers are.

Whitt called attention to a problem on the last page of the Minutes. The word "there" was missing from the sentence reading "Glime asked for a show of hands, but Bornhorst said [there] would be a roll call"

Carstens MOVED with Keen's second to approve the minutes from Meeting 227. Without discussion, and on a voice vote, the Senate approved the amended Minutes: motion CARRIED unanimously.

5. REPORT FROM SENATE PRESIDENT

A. Proposals approved by President Tompkins:

- 1. Proposal 13-94: Atmospheric Science Option within the BS in Geology [Appendix B].
- 2. Proposal 9-95: Absence from Regularly Scheduled Class Meetings

[Appendix C].

B. PROGRAM NAME CHANGE IN BIOLOGY DEPARTMENT

Bornhorst announced that the Biology Department has requested and President Tompkins has approved the name of their B. S. degree in Medical Technology degree be changed to a B. S. in Clinical Laboratory Science. The program itself would not be changed. Bornhorst asked if anyone had any objections, and there were none. [Appendix D.]

C. ACADEMIC CALENDAR

Bornhorst said that apparently different drafts of next year's academic calendar are afloat since several people have questioned the ostensible short vacation period of only 11 days over Christmas 1995. In fact, Bornhorst declared, this vacation period remains the traditional two weeks. An accurate calendar, he said, will be distributed with the next Senate agenda.

D. PROPOSAL 1-95: SABBATICAL LEAVE POLICY

Bornhorst announced that this proposal had not been sent to the President because the additional data from Mullins (Chem Eng) is still forthcoming.

6. COMMITTEE BUSINESS / REPORTS

A. AFFIRMATIVE ACTION OFFICER (AAO) SEARCH COMMITTEE

Sue Beske-Diehl reported that the AAO committee identified four candidates who were interviewed on campus. Two of these individuals accepted positions with other schools soon after their MTU interviews, a third was deemed unacceptable, and the remaining candidate's name was sent to the President, who chose not to hire for two reasons: the candidate had no college-level experience, and the committee had not sent him three candidates from which to choose. The President then disbanded the committee and asked Sherri Kauppi to continue as AAO for two more years, until a new committee could begin a new search.

Moore (Library) asked why two years, and Beske-Diehl said the committee was exhausted, that a significant amount of money had been spent on the search, and that the University needed time to provide "distance" from this first attempt to find a permanent AAO. Bornhorst asked for the vote on the candidate who was recommended. Horsch (Human Resources) said the student representatives did not support the candidate, and others were also unresponsive. To Bradley's question about original pool size, Beske-Diehl said "60." [Appendix E.]

B. CONFLICT OF INTEREST DRAFT DOCUMENT

Bornhorst said he was sure the Senate would like to see this draft placed finally in proposal form, and he felt no need to send it to a Senate committee since the Conflict of Interest committee has already done the work. Bruce Seely said that he hopes to send a final draft to the Senate Officers by February 3. Since his last appearance, Seely told the Senate, he had received numerous questions and comments, and he gave several examples: the issue that seems of most interest deals with faculty-authored textbooks,

and someone suggested departmental committees decide on possible conflicts of interest in this area.

Seely also discussed the potential for problems if an individual is involved in the selection of a supplier, say of lab equipment, and the same individual has some stake in a particular company.

Leifer gave an example which contrasted the size of a possible faculty conflict of interest with that of an individual working with the administration. He said to consider a hypothetical textbook written by and used in a course by Senate Vice President Glime. "Even if she enrolled

several hundred students in the class," Leifer said at the meeting, "she might make a hundred dollars in royalties. How," Leifer asked, "does that compare to the Conflict of Interest occasioned by a University attorney deciding on whether Tech should continue with a lawsuit, thus assisting that same attorney in generating hundreds of thousands of dollars in fees for himself?"

Seely said he was asked what would be the course of action if someone believed a conflict of interest occurred by a department head. Seely said his committee did not want to place the Conflict of Interest Coordinator in a position of conducting investigations, and he said such an individual could ask the coordinator to conduct an inquiry to determine if there was cause for concern.

Seely said the Coordinator role could be handled by an acting administrator; thus the University's bureaucracy would not increase. The individual should enjoy some background in research and relevant experience, Seely said, expressing his concern that the tasks would not be given to a file clerk.

Seely then described a Conflict of Interest problem on the University of Michigan campus: the administration sued a contractor on the quality of steel girders in a new building. The contractor came to court with expert witnesses--all professors at the University.

Sloan discussed an issue raised at Seely's previous visit to the Senate: Tech professors not taking Houghton-area consulting jobs when local talent was sufficient. Seely argued that Tech faculty, unlike local people, enjoy the use of state-supported facilities and thus should not be in the competition. Sloan argued that by not offering their services Tech faculty could be doing a disservice to Houghton people looking for expertise. Seely said the faculty should then offer their services for free.

He said his committee promotes a system whereby no decision would be controlled by personal gain.

Seely was asked about procedures in the final document, and he said some will remain in the final draft, the better to show the policies expressed. He felt, however, that detailed procedures would be another issue not covered by his committee's mandate.

Bornhorst called attention to the document's length, explaining that the Board of Control (BoC) did not like to vote on lengthy documents, and he asked rhetorically who would supply the abstract for the document. Seely replied that the committee had sent an early draft to the BoC through the Administration. Few comments came back, other than that a special committee would not be a viable solution to the problem.

Bornhorst said that the document will return to the Senate at the next meeting, for review by Senators and constituents, with a vote later in the year.

C. FINANCE COMMITTEE RESPONSE TO THE ENVIRONMENTAL SCIENCES BUILDING PROPOSAL

Pickens distributed a report [Appendix F] discussing numerous issues raised by the President's report on funding for the new building. Pickens said the Senate should have been consulted earlier in the decision making. Beck concurred, pointing out that the State often distributes a request for proposals on capital expenditures, but with a one week deadline. Beck called for the preparation of potential proposals in advance, well before the State's request.

Leifer said the administration had offered a ten plus year timetable of projects which did not include the Environmental Building and the Forestry addition, and the costs were projected at \$105 million. The Administration had said they hoped to receive \$95 million from the state, thus leaving a balance of \$10 million, assuming no overruns. Leifer asked rhetorically what would happen if the state does not produce that amount, and even if they do, how will the University produce the extra funding?

Roblee told Bornhorst to mention the Finance Committee's concerns on bonding for the new building when he attends the BoC meeting on Friday,

January 27.

Heyman said the bonding under discussion is for a building that is a foregone conclusion, and this financial arrangement will hurt the University.

D. ADMINISTRATIVE EVALUATION COMMISSION

Bornhorst read the list of individuals who had been recently elected for this commission:

T. Monson (BA)	R. Brown (CH)
W. Weingarten (Sch/Tech)	T. Drummer (MA)
M. Pruner (IWR)	M. Jurgensen (FOR)
D. Bezotte (Libr)	B. Pegg (HU)
B. Sandberg (CE)	C. Young (GE)

Bornhorst reminded the Senate that according to rules passed last year, the Senate must now select the chair, a representative from the Senate. This individual is needed by February 8. Beck said the committee should elect its own chair, whom the Senate can then appoint as its representative. Keen said the original proposal called for someone to ramrod the evaluation through, someone accountable to the Senate. Bornhorst asked for recommendations on a timetable: the committee must complete its interviews and generate a questionnaire. Leifer said a suggested timetable might be appropriate, with the committee adjusting it as necessary.

Whitt suggested that the outside representative on the commission become involved at the beginning for a few meetings, then return at the end of the commission's work.

7. OLD BUSINESS

A. PROPOSAL 4-95: DEFINITION OF ACADEMIC APPOINTMENTS

[Appendix G.]

Bornhorst said the Senate had already moved and seconded a proposal to pass 4-95, and he called for discussion. Heyman MOVED with Whitt's second to amend the proposal. In the paragraph devoted to a description of "Lecturer," insert after "equivalent" the words "professional qualifications" and strike the remaining words in the sentence. There was no discussion, and on a voice vote the amendment CARRIED.

Bornhorst said he would consider this an editorial change unless there were objections; there were none.

Fynewever MOVED with Roblee's second to amend the paragraph describing Instructors by replacing "Master's Degree" with "Bachelor's Degree." Bornhorst explained that the task force did not wish to give the impression that it would commonly allow someone with a bachelor's degree as a classroom teacher, and the phrase "or equivalent" should cover unusual situations, such as Physical Education classes. Fynewever said the interpretation of the word "equivalent" was the key to whether it would work. Discussion ended, and Bornhorst called for a voice vote on the amendment. Motion to amend FAILED.

Heyman MOVED, with Fynewever's second to amend the same paragraph, to read "An appointment requiring a master's degree, or a bachelor's degree and professional qualifications." No discussion followed, and on a voice vote the motion CARRIED. Bornhorst said he judged this an editorial change, and there were no objections.

Brokaw asked about the note at the bottom of page two of the proposal dealing with a "grandfather clause," speculating on

what might occur if an employee was "grandfathered" into one job, then moved to another position. Would this clause still apply to that person? he asked. Heyman said no, then said the committee could send it forward

for legal consideration.

Glime MOVED with Roblee's second to table 4-95, arguing that the time was growing short, and the remaining two proposals should be considered. On a voice vote the motion to table CARRIED.

B. PROPOSAL 17-95: CERTIFICATE IN MINE ENVIRONMENTAL ENGINEERING

[See pg. 4921 for a copy of this proposal.]

Filer MOVED with Roblee's second to approve Proposal 17-95. Beck asked if students could get all the credits listed in the certificate plan, and Otuonye said yes. He offered to show a flow chart. Beck asked if a 2.0 GPA was high enough. "Shouldn't the certificate indicate a higher than average degree of competence?" he asked. Otuonye said the University requires only a 2.0 for graduation, and the department felt this should be the floor for the certificate. Otuonye said he also had a revised list of courses for the certificate [Appendix H].

With discussion at an end, Bornhorst reminded the Senate that the voting on this academic proposal would be academic degree-granting units, and there were no objections. On a voice vote the motion to approve 17-95 CARRIED.

C. PROPOSAL 18-95: REVISION OF SENATE BYLAWS

[Appendix I. See pg. 4925 for the original draft of this proposal.]

Keen MOVED with Miner's second to approve proposal 18-95. Whitt MOVED with Leifer's second to amend, adding to page 3, section F ("Adoption of a Proposal"), add a number 4: "When a proposal adopted by the Senate is accepted with changes by the Administration, it shall be published in revised form and reconsidered by the Senate in the same manner as a new proposal." There was no further discussion, and on a voice vote, the motion to amend CARRIED.

Roblee asked what the Senate would do if the Administration returned the proposal with changes. Bornhorst explained that if the Senate concurs with the amended proposal, it would be considered adopted, and if not, then the proposal is considered equivalent to "rejected."

With discussion on 18-95 at an end, Bornhorst called for a vote. Since it dealt with the Bylaws, Roberts Rules required a 2/3 vote for approval, and Jobst read the roll. The vote was 28 for, none against: the motion to approve Proposal 18-95 CARRIED.

D. PROPOSAL 4-95 (CONTINUED)

Since Glime's earlier motion was to table until after the subsequent two proposals had been discussed, no motion was needed to bring Proposal 4-95 back on the floor. There was no further discussion, so Bornhorst took the proposal to a vote, with the following participating units: Academic Degree-Granting, Other Course-Offering, and Research Units. On a voice vote the motion CARRIED to approve 4-95.

9. ADJOURNMENT

Bradley MOVED with Carstens' second to adjourn. All stood and left, so the motion CARRIED. Bornhorst declared the meeting adjourned at 7:30 pm.

Submitted by Jack Jobst

Secretary of the University Senate

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