

## THE SENATE OF MICHIGAN TECHNOLOGICAL UNIVERSITY

Minutes of Meeting No. 248  
10 January 1996

## Synopsis: The Senate

- (1) heard a report from Bruce Seely on Conflict of Interest.
- (2) requested that someone with expertise representing opposition to charter schools be part of the workshop.
- (3) heard that the University will purchase Wesley House for use as a Career Center.
- (4) heard a report from Freydoon Arbabi on the fringe benefits survey.
- (5) heard a report from Don Beck on the budget.
- (6) passed a resolution that the Provost should request of the Board of Control a 3% average salary increase for faculty and staff.
- (7) heard a report from Bob Keen, chair of the Instructional Policy Committee, that the committee supports the decision to eliminate the classroom bells.
- (8) approved Proposal 10-96 to establish the MS Degree in Environmental Policy.

## 1. CALL TO ORDER AND ROLL CALL

President Bornhorst called the Senate meeting to order at 5:32 p.m. on Wednesday, 10 January 1996, in Room B37 of the Electrical Energy Resources Center.

Secretary Glime called roll. Absent were representatives from Mining Engineering and Finance/Advancement. Liaisons in attendance were Ted Soldan (Staff Council) and Max Seel (Dean, College of Sciences and Arts).

## 2. RECOGNITION OF VISITORS

Guests included Marcia Goodrich (Tech Topics), Brian Whitman (GSC), Fred Dobney (Provost), Freydoon Arbabi (Civil Engineering), Terry Reynolds (Social Sciences), Brad Baltensperger (Social Sciences), Mary Durfee (Social Sciences), Elizabeth Flynn (Humanities), Ellen Horsch (Human Resources) and Barry Solomon (Social Sciences).

## 3. APPROVAL OF AGENDA

President Bornhorst suggested amending the agenda to move item 8, New Business, before item 5, Report from Senate President, to give Bruce Seely a chance to answer questions on Proposal 11-96. Caspary MOVED and Heyman seconded the motion to accept the agenda as modified. The motion PASSED by voice vote with no dissent. [Appendix A. NOTE: only official Senate and Library archival copies of the minutes will contain a full complement of appendices.]

## 8. NEW BUSINESS

## A. Proposal 11-96, Conflict of Interest Procedures [Appendix B]

Bruce Seely provided a one-page "roadmap" [Appendix C] of the proposal and highlighted the changes made since the last presentation to the Senate. Item 4.5 has minor changes in wording based on two months of experience with the policy. Item 4.5.3 on Routine Testing has been added to the policy; this provision avoids the need for repeated disclosure when there is repeated testing of the same kind. Item 6.2.1 points out that the preferred procedure is to avoid consulting that

results in self-recommendation; exceptions were made for construction because part of the responsibility of contractors is to make recommendations throughout the process of construction. The Committee also discussed cases in which the cost of getting a different party to carry out a recommendation may cost more than hiring the party that recommended, but the Committee felt that in most cases, avoidance of conflict should be preferred in spite of cost. Item 7.3.3 has wording identical to the Scientific Misconduct Procedure and may need to be changed to conform to new wording proposed for that policy.

Senator Mroz asked who would grant permission for hiring and Seely answered that the Board of Control did that by doing the hiring. Senator Thayer asked if the Board could then violate the procedure and Seely responded that the Board is not bound by the procedure; the procedure is not given to the Board for approval. The Board cannot delegate their rule-making authority. Senator Leifer asked what kind of Board would make policy that says Bruce Seely must abide by it but the Board does not have to follow it. Seely responded that we cannot make policy for the Board. Senator Caspary asked about volunteers and whether this applied only where there is pecuniary consideration. Seely responded that the Senate and the Board had approved the language regarding consultants to the university. The upper Administration did not approve some of the original language related to consulting, and the procedure was a way to bring that language back in (without requiring Board approval). Caspary commented that the procedure is then more restrictive than the policy. Seely agreed that this was due to the attempt to bring back the language of the original proposal. Caspary asked why this is only a "suggested" procedure. Seely responded that this permitted flexibility when we cannot imagine all the possible cases; it provides guidelines; it is better not to be overly stringent in our first attempt. Caspary commented that this could give too much latitude to the administration and could work against an employee. Seely responded that such an action would violate the whole spirit of the procedure.

B. Proposal 12-96, Academic Calendar: K-Day [Appendix D]  
President Bornhorst introduced the proposal.

#### 4. APPROVAL OF MINUTES FROM MEETING 247

Senator Pegg asked that the word "tripping" in the second paragraph of 6A (line 6) be changed to "trip chaining."

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Carstens MOVED and Soldan seconded the motion to accept the minutes of Meeting 247 as amended. The motion PASSED by voice vote with no dissent.

#### 5. REPORT FROM SENATE PRESIDENT

President Bornhorst reported that the Provost has rescinded his change to a 10-day appeal for academic dismissal in Policy 26-95, Undergraduate Academic Progress, and will let the 5-day appeal time stand as passed by the Senate. This completes proposal 26-95. [Appendix E]

Bornhorst reported that President Tompkins has approved proposals 10-94 (Final Exam Policy), 33-95 (Research Statement), and 5-96 (Center for Teaching, Learning, and Faculty Development). [Appendices F, G and H]

Bornhorst reminded the Senate that there will be a Charter School Workshop next Monday (15 January). Senator Leifer requested that this workshop be discussed on the floor of the Senate and that Vice President Walck would initiate the discussion. Walck stated that all the invited

presenters are pro on charter schools and that it would be useful to have a counter voice. Bornhorst stated that Tompkins had been invited to speak to the Senate on this issue and Tompkins had wanted to have this workshop before he came to the Senate. Senator Whitt stated that if the President is serious about educating the campus, he should bring experts representing both points of view to the discussion. Provost Dobney stated that several of the speakers are not proponents, although they cannot be considered opponents. Walck stated that there should be an expert to pose questions and provide a dialog. Whitt stated that we should ask the President to invite someone and consider bringing our own person as well. Brokaw asked what type of opposition we wanted. Senator Carstens stated that Governor Engler has a political stance and that we need to see the opposition. Dobney suggested that the NEA might be able to provide someone with a contrary point of view on short notice. Carstens agreed that Engler's approach was trying to destroy the NEA. Whitt said that several voices are better than one. Bornhorst will speak to the President and try to get one or two persons with opposing points of view.

Bornhorst announced that a proposal for an Associate of Applied Science Degree in Chemical Engineering has been designated as Proposal 13-96 and has been sent to the Curricular Policy Committee for Review and recommendations. [Appendix I]

The issue of a dual BS and MS degree has been sent to the Research Policy Committee for review. [Appendix J]

The committee on shared governance will consist of Laurie Whitt, Carol MacLennan, John Flynn, Bill Bulleit, Adrene Remali, and Bob Keen. Bornhorst will draft a charge memo to the committee and appoint an interim chair. He questioned whether the committee should be given a time limit. Senator Whitt asked if this means the committee would disband at that time and Bornhorst answered "no." Vice President Walck suggested that the committee should report by the year end and Bornhorst said he would ask the committee to do that.

On 19 December, the officers met with the Provost. The Provost reported that we are close to a decision on the new Senior Vice President for Advancement and University Relations.

The University will purchase the Wesley House. Provost Dobney stated that the Wesley house has gone out of business. The building is in good condition and has recently undergone \$100,000 in renovations. Barbara Filer (Director of the Career Center) proposed use of the building for a career center, arguing that several employers who interview here consider ours to be the worst facilities anywhere they interview. The Board of Wesley House has agreed to sell the house to us at the assessed price and then give us that money for financial aid. Filer is trying to raise \$200,000 for renovations from corporations that interview here. The building is reasonable at \$20 per square foot; it will take three years to raise the money. The present Career Center Space will be converted to a welcome area for the Admissions Office. We still need zoning approval to use the Wesley House as a Career Center.

Bill Blumhardt needs our responses to the parking problem ideas, but we will receive a recommendation from the committee and can respond to that. Senator Beck pointed out that the heavy usage on parking is 10-2 MWF when we have the heaviest classroom usage; if we could move large, introductory courses to distribute the time better, we could not build a parking deck and save \$6 million. Senator Filer stated that moving classes to T Th could cause scheduling problems with labs. Senator Carstens agreed that we should be careful about moving course times; course scheduling seems to be cast in stone. Bernie Alkire is the Senate representative to the Parking Committee.

Bornhorst has sent a memo to the Provost stating that there is no need for any change in the Senate budget for supplies or staff for 96-97. [Appendix K]

Bornhorst reminded the Senate that we are required a 7/8 vote of the Senate to change the time of voting on inclusion of professional staff in the Senate. There will be a proposal to that effect so that

we can decide on staff membership in time for election of staff representatives and officers when faculty elections are held.

Bornhorst encouraged all to participate in Martin Luther King, Jr. Day activities.

## 6. COMMITTEE BUSINESS/REPORTS

### A. Fringe Benefits Committee

Alternate Arbabi, Chair, reported on the faculty and staff response to the committee's survey on benefits. The volume of response was good. Listed by importance, the following were most mentioned:

retirement: medical benefits  
parity in TIAA/CREF & MPSERS  
life insurance

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health:            glasses, optometry  
                  dental improvements  
                  flexible benefits (being worked on currently)  
on campus:        free or reduced SDC membership  
                  reduced tuition for children at MTU & elsewhere  
                  child care  
other              unused vacation compensation  
                  staff sabbatical

Senator Heyman asked what is meant by parity of TIAA/CREF and MPSERS. Horsch (Human Relations) responded that there are legal problems and that some people are required by law to be in MPSERS. Provost Dobney asked about number of responses, but Arbabi said that the committee could not determine that because they only received the summaries from senators and these often did not indicate numbers. Senator Soldan stated that flexible benefits should be the priority because people know what they need for themselves and this would give the most people the most benefits useful to them. Senator McKilligan asked what was meant by unused vacation compensation and Arbabi responded that it referred to unused vacation at time of retirement. Soldan commented that staff were interested in converting unused sick time to vacation time. Jeanne Meyers (Senate Assistant) will put the list on email to the Senators.

### B. Finance Committee

Senator Beck reported for the Finance Committee. The primary concern is raises. The committee supports a presentation to the Board of Control for 3% raises for next year. The Board may not accept a tuition rise of more than 3% (\$1.4 million). Beck identified possible cuts to provide the needed money [NOTE: Figures presented are Senator Beck's and not the administration's]: 10% cut in library journals (only provides \$100,000), a freeze in hires (only saves for 1 year; salaries continue). A 3% salary increase would = 44% of a 3% tuition increase, 1% giveback, and \$.75 million rainy day giveback. The 3% would represent an inflation increase only. We are considered a best buy and have good financial aid; we have several short-term improvements in faculty, buildings and maintenance, and computing. We all need to be concerned with recruiting undergraduates to bring enrollment to 6900. Investing in advancement and recruitment should pay off.

Beck presented a resolution to the Senate for consideration: Be it resolved that the MTU Senate requests the Provost present a Budget Scenario to the Board of Control that includes a 3% average raise for faculty/staff, and that we do not support any scenario that includes no (average) faculty/staff raises.

Beck MOVED and Mroz seconded the motion to accept the resolution. Senator Soldan cautioned that the wording is dangerous in that it could

lead to layoffs if there are budget constraints. Beck said that he had identified \$500,000 in possible cuts; there had been 0% pay raise only once in 15 years, and the administration has laid no ground work for 0% raises. Senator Whitt stated that no mechanism is specified for achieving the cuts and it would be poor if the faculty recommended a cut in the library budget. Vice President Walck stated that the wording of the resolution does not say that we are voting for a cut in the library. Beck pointed out that we did not seem willing to make a no-cost change in the class schedule that would save \$6 million in parking costs. Senator Carstens corrected Beck's interpretation of his comment and said that we should consider the problems that would arise in changing the scheduling. Senator Chavis asked what other areas might be cut. Beck suggested travel, replacing positions vacated by senior faculty with junior faculty, freezing new positions like the Director of the Center for Teaching, Learning, and Faculty Development, and it has been suggested that we don't need a Dean of Engineering since we have gotten along so often without one. Dobney said that he would present a number of scenarios, including 0-3% salary increases; the resolution would mean that the Senate join Staff Council in supporting a 3% salary increase as the highest budget priority; he does not anticipate any cut in the library; a 3% increase in state appropriation and 5.8% increase in tuition would provide enough for a 3% salary increase. Soldan asked if any of the scenarios include possible layoffs and the Provost responded "no." Discussion ended and the motion PASSED by show of hands with 31 for and 0 opposed.

Senator Sloan asked what the estimate is for undergraduate enrollment for next year. Dobney responded that we had estimated a decline of 150 overall, but we are 150 behind acceptance for last year, which would change the projection to a decline of 230 and a loss of ca. \$800,000. Sloan stated that 1976 was the lowest birth year and asked when the demographics for the university will catch up. Dobney responded that the numbers for higher education are going up, but very slowly; it would take until 1999 to catch up. However, the demand for engineering is going down and numbers are relatively stable in sciences and arts. There are more minorities and single parents, but these increases don't help us because of our distance. Alternate Flynn asked if we are turning away engineering students; the Provost responded that we are turning away some, but that is a faculty matter; departments are being more liberal than in the past few years; no programs are closed. Senator Leifer asked how come with the enrollment decreasing we need more buildings. Dobney responded that the need was for research and graduate education requirements; if we had only undergraduates, we would have enough.

### C. Instructional Policy Committee

Keen reported for the committee on the issue of the classroom bell, which the Provost eliminated, but which falls under the responsibilities of this committee. He listed five points: The committee has no objection to the discontinuance of the bell ringing; the issue is sufficiently trivial to be within the competency of the Provost; it is so trivial that the Senate cannot be trusted with it; the Provost, in the future, ought to pass similar proposed

actions past the Senate since they might conceivably fall within the Senate's jurisdiction; the problem was not with the action that the Provost took, but with the Provost's taking the action; if another committee considers it important, that committee should take it up.

### 7. OLD BUSINESS

A. Proposal 10-96: MS Degree in Environmental Policy [See minutes, page

5996, for a copy of this proposal]

Heyman MOVED and Mroz seconded the motion to approve Proposal 10-96. Senator Thayer asked if we could assume this was a no-cost proposal. Dean Seel (Sci. & Arts) responded that the college would provide \$2000 for the library needs and money to support one TA. The other budgetary needs would be part of the normal ongoing budget process, i.e., the program would be self-funded.

Baltensperger (Social Sciences) stated that there would be no added faculty positions and that only 1-2 TA's would be needed. Senator Arici stated that if there would be 8 new courses, then this suggests that two current faculty are not needed. Reynolds (chair, Social Sciences) stated that a faculty position was available to be filled next year and that teaching for these new courses would piggy back on the undergraduate courses. Seel stated that the department of Social Sciences has the highest student to faculty ratio in the University, so more faculty are justified in the normal budgeting. Senator Leifer questioned why there seemed to be nothing in the program to require any environmental engineering. Baltensperger responded that they had worked with faculty from other departments, including environmental engineering, and that Dr. Auer would help to provide internships for students in the program. The program will take advantage of courses and expertise that already exist in other departments. Reynolds stated that there is no course requirement in environmental engineering; the program concentrates on policy and human interactions; students are expected to have a background in ecology, statistics, and economics when they enter the program. Durfee (Social Sciences) stated that students in the program can take their second-year concentration in environmental engineering or ecological science if they choose. Senator Heyman stated that the program is aimed at students with an undergraduate technical degree (ecology, engineering); the problem with courses outside the department is that they are geared to those departmental sequences and have a long list of prerequisites. Thayer pointed out that the budget includes a computer upgrade of \$10-20,000; Seel responded that this would be part of the normal annual budget request. Alternate Arbabi commented that most departments have undergraduate courses that could be taken. Baltensperger stated that if the students came from an engineering field, they could make use of existing courses to expand their engineering background and biology students could expand their biology background. Senator Caspary stated his concern with the financial obligation; it is the undergraduates who pay the bills, so we should not support this proposal. Senator Whitt stated that this program could draw more undergraduate students. Durfee stated that one of the MTU grads in engineering went to another school for an MS in this area. Arbabi stated that good graduate programs draw good undergraduates. Senator Shonnard asked if the undergraduates would provide the support to keep the program viable. Baltensperger said there are several ways these programs are funded. At Boston University, no graduate students get funding; MTU hopes that by providing initial TA support, and some external funding, they will find out how many students will spend their own money to get the degree. Members of the department are already seeking external funds. Discussion ended.

President Bornhorst stated that the proposed voting units are academic-degree-granting departments. There were no objections, so the voting units stood. The motion to approve Proposal 10-96 PASSED by voice vote with no dissent.

B. Proposal 13-95: Faculty Grievance Policy and Procedures [See minutes, page 6022, for a copy of this proposal]

The administration has proposed several amendments to Proposal 13-95 as passed by the Senate. Provost Dobney responded to the objections raised by the Senate in Meeting 247; the Human Resources representative would give protection to faculty and staff, especially on personnel issues (faculty have expertise on promotion and tenure issues because each has been through the process). Senator Beck asked why promotion and tenure was excluded and Dobney commented that the

University Lawyer offered to train all members of all committees. Senator Whitt stated that guidance was appropriate and needed, but that there was no reason why an HR representative would be needed on all committees and in all deliberations. Horsch (Director of Human Resources) responded that we want to make sure committee members and others involved are protected; many committees don't need the help of HR. Alternate Williams stated that he agreed with Horsch. Senator Caspary pointed out the wording just states ex officio. Senator Thayer responded that ex officio means a permanent member. Alternate Flynn commented that it means a voting member. However, the proposed amendment specifies non-voting. Whitt stated that the committee should be encouraged to consult with HR. Beck stated that HR shouldn't have the right to be in every meeting; the proposal needs a language change. Dobney stated that a committee may not know when it needs advice. Senator Mroz said perhaps the wording should indicate that an HR representative will be appointed to serve as a resource person for each grievance committee. Bornhorst reminded the Senate that since this in an amendment from the Administration, it is easiest for them to propose a new amendment. Horsch stated that it would be most helpful if the wording established some sort of formal relationship between Human Resources and the committee chair. Beck suggested that the chair be required to notify Human

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Resources when the department has a grievance issue. Dobney suggested that someone from Human Resources should be at the first meeting to discuss potential legal issues. Whitt stated that the first meeting may not be enough, that it may be necessary to train the chair or committee. Senator Leifer stated that we don't want to blow every grievance to the moon. If the chair of a departmental committee meets with HR or sees a training video before the first grievance occurs, then it is possible to settle some grievances amicably and HR would not be needed. Whitt said she would like some things in writing and that all members should have some written documents. Horsch responded that personnel issues are tricky; every case is different. The chair and representative from HR need to establish a relationship for each case. Keen asked if we had resolved the amendment on page 4. Heyman stated that we had discussed that there should be some sort of written formal report. Dobney responded that he understood that the President will provide a written response on the decision and that if the decision is contrary to the committee recommendation, then the President is encouraged to meet with the committee to discuss the decision.

C. Proposal 36-95: Scientific Misconduct Policy [Appendix L]

President Bornhorst suggested we table Proposal 36-95 because there is a chance to get wording more like the original Senate version. Senator Caspary asked if we could define what we mean by "due process." Dobney responded that it referred to providing a process instead of "at will." Horsch added that after 1986 the stipulation of "at will" has been added to staff contracts; therefore, employees hired before 1986 have legal entitlement, but those hired later do not; union employees have a contract that provides for reasonable or just cause. Brokaw MOVED and Sandberg seconded the motion to table Proposal 36-95 until the first Senate meeting of Fall Quarter 1996. There was no discussion and the motion PASSED by voice vote with no dissent.

Brokaw MOVED and Caspary seconded the motion to adjourn. The meeting adjourned at 7:31 p.m.

Respectfully Submitted by Janice M. Glime  
Secretary of the Senate