

## THE SENATE OF MICHIGAN TECHNOLOGICAL UNIVERSITY

Minutes of Meeting No. 253  
3 April 1996

## Synopsis: The Senate

- (1) Set up an ad hoc committee (Bornhorst, Keen, Lutzke, Heyman) to develop a proposal to amend the Constitution to be in conformity with new and proposed Bylaw changes, including Proposal 17-96 to include professional staff in the constituency. Approval will require a referendum of the entire faculty and those professional staff who were represented before Proposal 22-95.
- (2) Approved Proposal 13-96, Associate in Applied Science Degree in Chemical Engineering Technology.
- (3) Heard a recommendation by Bill Blumhardt from the Parking Task Force recommending either bussing or building a parking deck.
- (4) Approved Flynn, Glime, Kunz, Santeford, Shapton, and Walivaara as the slate of nominees for Senator-at-large.
- (5) Needs nominees for the Faculty Review Committee.
- (6) Heard that the Board of Control has approved Proposal 10-96, M.S. in Environmental Policy, and Proposal 32-95, Ph. D. in Mathematical Sciences.
- (7) Heard recommendations from Bill McGarry from the Retirement Health Care Task Force.
- (8) Approved the revisions to Proposal 7-94, Scheduling of Evening Exams.

## 1. CALL TO ORDER AND ROLL CALL

President Bornhorst called the Senate Meeting 253 to order at 5:32 p.m. on Wednesday, 3 April 1996, in Room B37 of the Electrical Energy Resources Center.

Secretary Glime called roll. Absent were at-large senators Harold Evensen and Laurie Whitt, and representatives from Forestry and Wood Products. Liaison in attendance was Steve Hellmann (USG).

Before beginning business, President Bornhorst announced that at-large senator Laurie Whitt was unable to attend the meeting and had requested that he act as her proxy on all votes. Since the Senate has no precedent for proxy votes, Bornhorst asked for comments from the floor on this procedure. Senator Brokaw stated that this procedure was not acceptable. Senator Beck reminded us that the one voting needs to hear all the arguments and that Senator Whitt could not do that before passing on her proxy. President Bornhorst ruled that the proxy vote was unacceptable; there were no objections so the ruling stood.

## 2. RECOGNITION OF VISITORS

Guests included Bruce Barna (Chemical Engineering), Bill Blumhardt (Director, Facilities Management), Tim Collins (School of Technology), Fred Dobney (Provost), Mike Gilles (Research/Communications Services-Administrative Offices), Marcia Goodrich (Tech Topics), Debbie Lassila (Provost's Office), Bill McGarry (Chief Financial Officer), Kelly McLean (Staff Council), and John Sellars (Sr. Vice President for Advancement and University Relations).

President Bornhorst introduced the new Senior Vice President for Advancement and University Relations, John Sellars.

## 3. APPROVAL OF AGENDA

President Bornhorst requested that Agenda item 9B, Proposal 13-96, Associate in Applied Science Degree in Chemical Engineering Technology,

be moved before Agenda item 6, New Business. Scott Bradley asked why New Business was placed first this time and suggested that it might be best to place it first in the future since its purpose was to place items before the Senate for possible action at the next meeting. The Provost voiced agreement and President Bornhorst stated that it is possible to do that.

Carstens MOVED and Soldan seconded the motion to approve the agenda as adjusted. The motion PASSED on 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.]

#### 4. APPROVAL OF MINUTES FROM MEETING 252

Senator Lutzke asked that his statement at the bottom of page 6264 be clarified. Senator Lutzke stated that the staff had rejected the idea of voting as a block because there was too much diversity of opinion and those present to hear the arguments should be able to make the best decisions. Staff do not mind being excluded on certain votes because those units voting on those issues are the best informed.

Heyman MOVED and McKimpson seconded the motion to accept the minutes as amended. The motion PASSED on voice vote with no dissent.

#### 5. OPEN MOTION TO APPROVE PROPOSAL 17-9, REAFFIRM APPROVAL OF PROPOSAL 22-95 [See minutes, page 6260, for a copy of this proposal.]

President Bornhorst opened discussion by stating that the officers had discussed the problem of double representation of staff on Staff Council and Senate because some senators and constituents have expressed concern. Pro Tem Vice President Soldan stated that there are four commissions appointed by President Tompkins: women, safety, diversity, and Staff Council. He sees these groups as each representing different aspects of the constituents and addressing needs unique to their members. Therefore, he doesn't see Staff Council as providing dual representation.

Vice President Walck stated that she does see Staff Council as providing dual representation. The Senate can only discuss and advise, but it is supposed to combine the wisdom of both groups, so having two groups is redundant.

Soldan stated that he has been on both bodies for several years; he has seen no evidence of both bodies addressing the same tasks. There have been no proposals from

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Staff Council; proposals are the job of the Senate.

Senator Lutzke stated that Staff Council provides a way for professional staff to interact with the bargaining people; professional staff consider their voice to be in the Senate.

Senator Beck pointed out that although it is not a major point, the Staff Council had an impact by preceding the Senate in conveying their opinions about raises.

Senator Chavis stated that she is Chair of the Commission on Diversity and that this is not a dual representation. The Senate represents a body that needs to be heard; there are few women and minorities in the Senate [commissions represent segments that have special expertise or needs].

Senator Arici stated that many members of his department (Mechanical Engineering/Engineering Mechanics) appreciate the contributions made by staff on the Senate. However, many faculty consider this to be a constitutional issue and that the Senate should not pass such a change without consideration by the constituents.

Bornhorst stated that the proposed change is a bylaw change that does not require a constituent vote. We [the Senate] have no legal

system, so this raises the question of how we must decide if something doesn't follow the constitution. The whole Senate must decide how to interpret the words of the constitution.

Senator Keen stated that this is a moral issue and is not trivial. The Senate has rules - if we don't follow these, we are hypocritical. Article A of the Constitution states that "In addition, some designated professional members of the university community in primary decision-making positions in designated non-academic units shall also be constituents." Keen asserted that there is a problem with the word primary that modifies decision-making units. We should amend the Constitution. To interpret the Constitution, we can refer to the legislative record. During Senate discussions prior to ratifying this Constitution [therefore prior to drafting of Proposal 22-95], Galetto is quoted as saying that certain professional staff in his unit should not be included in the Senate constituency because they were not in decision-making positions.

Provost Dobney stated that the new bylaws took out people in primary decision-making positions, as, for example, Ellen Horsch (Director of Human Resources).

Senator Sloan stated that when we passed the bylaw [Proposal 22-95] we decided to give this a 1-year trial instead of going to the constituents. If we don't go to the people who share this governance with us, we lose credibility.

Senator Lutzke asked what happens to the professional staff until this question is resolved. Senator Leifer responded that they are continued [in the Senate] until it is resolved. He continued that we want to play by the rules; if the Constitution is not amended then the proposal violates the Constitution; we must amend the Constitution before passing the bylaws.

Senator Beck stated that we should be able to get an amendment out before the end of the quarter; the faculty want to do it right.

Senator Chavis stated that the Senate and staff voted last spring, professional staff are here now, but we are discussing whether to keep the professional staff. We should have settled the constitutional issue and made the decision before putting the staff in.

Senator Bradley pointed out that we have been in violation of the Constitution for the past year. McLean (Staff Council) asked who is responsible for making changes to the Constitution. Bornhorst reminded the Senate that a Constitutional amendment must be passed by a 2/3 vote twice by the Senate within a 6-month period, in two different meetings, then voted on by the constituency (requiring a 2/3 majority), and approved by the Board of Control.

Senator Bradley stated that we have included professional staff for the last year. Sloan reminded him that it was done as a one-year trial.

Senator Heyman stated that if we go to the Constitution, it had been written to include a large number of staff in the past, with researchers in the old Constitution and three new groups of staff in the current Constitution. We could continue including the professional staff and go through the constitutional process. The passage Keen questioned cannot be resolved because we don't know who is in primary decision-making power. Therefore, we need to continue including the professional staff and change the passage in the Constitution.

Lutzke stated that we need to take the word primary out; to him it means senior administrators, but we have specifically excluded those people.

Senator Sandberg stated that we could table Proposal 17-96, but Bornhorst reminded the Senate that 22-95 is written to require re-ratification by the end of May. Senator Filer stated that the constitutional issue should have come up when we discussed Proposal 17-96. Bradley stated that we should pass the bylaw and then fix the constitution.

Leifer stated that we should have Bob Keen write an amendment and distribute it to make clear who has primary responsibility and qualifies. Bornhorst reminded the Senate that since it must go to both the constituency and the Board of Control, it should have other fixes

as well to be certain the Constitution is consistent in all places with the bylaws. Senator Beck asked which constituency would be eligible to vote; Lutzke stated that it should be decided by the original Constitution; Bornhorst agreed.

Senator Vichich stated that professional staff should be included for one more year. Senator Arici agreed that we should allow professional staff to continue on the Senate for one year while we work on the amendment.

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Senator Keen stated that the constituency is not undefinable; it is defined by precedent. Primary decision makers were listed in the bylaws when they were circulated [to the faculty]; we should follow the precedent established by the bylaws. We should be able to move on a constitutional change fairly quickly. The staff need to hold their elections and we don't know how this will work.

Lutzke stated that the Senate has not been damaged by the inclusion of staff. If the staff are not continued while we are deciding, it would be demoralizing.

Senator Caspary stated that we should decide now [by voting on the bylaw change]. Soldan stated that we should not decide now; although it was clear to him before the meeting that he should vote for the bylaw change, he is now uncomfortable with the conflict with the ratified Constitution. Keen stated that we can vote on a constitutional amendment when we meet again. Senator Flynn stated that it seems clear that the constituency section of the Constitution was written with faculty in mind. Bradley stated that we shouldn't change the Constitution on a whim; it needs thought. He said that the major point is that the majority of the Senate wants to include the professional staff.

Senator Remali asked what happens if the faculty vote the staff out. Senator Brokaw stated that we need to get on with it; a quick patch is the wrong way; it may result in something that is too precipitous to pass.

Bradley asked if we could ignore the May deadline. Bornhorst responded that Proposal 22-95 was worded to require a 7/8 vote to be modified.

Senator Keen stated that the objective is to put the change to the previous constituency; in the mean time he will try to make a case to his constituency to vote for it. There is nothing to prevent professional staff from attending Senate meetings and participating, but only three professional staff votes would be allowed.

Heyman stated that we could amend Proposal 17-96 to require re-approval in 1997. Keen remarked that we need to assure that the vote goes to the old constituency.

Senator Walck asked what would happen if we were to pass Proposal 17-96, but it is unconstitutional. [It could then be challenged and a constituency vote requested by any constituent.]

Keen stated that the Senate can pass a resolution that the staff can participate for next year. Heyman stated that the major issues anticipated for next year relate to the staff handbook; staff should have voting rights.

McKimpson asked why we can't table the motion; Bornhorst responded that if we do not reaffirm Proposal 22-95, the constituency reverts back at the end of May to that described in the original bylaws.

Bradley MOVED and Heyman seconded the motion to amend Proposal 17-96 to read "The Senate reaffirms the approval of Proposal 22-95 and subsequent revisions to the Bylaws until May 1, 1997, with resolution of constitutional issues by the constituents prior to Proposal 22-95."

Senator Pegg reminded the Senate that we are in violation of the Constitution and will continue to be. Flynn stated that the voting

constituency needs to be clarified; Bornhorst responded that it is stated as that constituency prior to Proposal 22-95. The voting units are described in bylaw D. For the vote on this amendment, representatives of the three prior non-academic units can vote. They have already determined who their representatives are: Soldan, Caspary, and Chavis. The motion to amend PASSED on voice vote with no dissent.

President Bornhorst ruled that the change in the proposal was not editorial. Keen MOVED and Leifer seconded the motion to consider this as an emergency proposal. On a secret ballot vote, the motion to consider this as an emergency proposal PASSED unanimously. The motion to accept Proposal 17-96 as amended PASSED on voice vote with no dissent.

McLean (Staff Council) asked who will be the senators from the non-academic units for the next year. Bornhorst replied that the terms of the present representatives will be extended for one year. There were no objections from the Senate.

## 9. OLD BUSINESS

### B. Proposal 13-96, Associate in Applied Science Degree in Chemical Engineering Technology [Appendix B]

Carstens MOVED and Odde seconded the motion to approve Proposal 13-96. There was no discussion. The voting units were the academic-degree-granting departments. There was no objection to voting units. The motion PASSED on voice vote with no dissent.

## 6. NEW BUSINESS

### -Proposal 19-96, Parking Task Force Recommendation [Appendix C]

Bill Blumhardt (Director of Facilities Management) presented the recommendations to solve the parking problem. [Appendix D] The two choices seem to be parking decks or bussing.

Senator Lutzke stated that most faculty and staff are not interested in parking at the SDC and bussing. Blumhardt responded that it costs \$10,000 per spot to build a parking deck. Busses would run every half hour.

Brokaw observed that the \$130 added to salaries would probably come from money that could be used for raises. Blumhardt responded that the parking charge would give us an incentive not to drive. Carstens inquired what the charge would be if two members of a family worked at MTU. Blumhardt responded that the money would be charged per pass (car), not per person; it encourages car-pooling.

Senator Bradley asked if one works at KRC or other remote site, how would that person get parking privileges when coming to campus. Blumhardt stated that they would have to pay based on some fee

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schedule. Senator Leifer asked who was on the task force; Blumhardt named Kedar Klix (USG), Andrew Loll (GSC), Bernie Alkire (Senate Rep), Bob Wenc (Daniell Heights), Jon Ahola (Public Safety), Sharri Karppinen (Registrar's Office), Scott MacInnes (City of Houghton), Neil Hill (Commuting Student) and Sheldon Larson (East Houghton Resident).

When asked about solving the problems in east Houghton, Blumhardt responded that the residents would have visitor passes; commuters would have to pay to park on campus. Senator Vichich stated that he was familiar with the All Campus card and views a potential problem with the parking card. Blumhardt responded that John Ahola spoke with Tech Express people about the card and when we said we would pay for whatever it takes to do it the response was that it could be done.

Due to the number of questions, Blumhardt agreed to give Bornhorst the entire presentation to distribute.

## 7. REPORT FROM SENATE PRESIDENT

President Bornhorst presented the slate of nominees for at-large senators: Flynn (Humanities), Glime (Biological Sciences), Kunz (Elec Eng), Santeford (Civil Envir Eng), Shapton (Mech Eng/Eng Mech), Walivaara (Technology). Soldan MOVED and Sandberg seconded the motion to close nominations. The motion PASSED on voice vote with no dissent.

Bornhorst reminded Senators that we need nominees for the Faculty Review Committee. Gale (Forestry) will help to solicit committee members.

Bornhorst recommended that an ad hoc constitutional committee consist of Bornhorst, Keen, Lutzke, and Heyman. There were no objections to the committee membership, so those individuals will serve on the ad hoc committee.

## 8. COMMITTEE BUSINESS/REPORTS

### A. Board of Control Relations Committee

Bornhorst reported as liaison for the Board of Control Relations Committee that the Board had approved Proposal 10-96, the M.S. in Environmental Policy, and Proposal 32-95, the Ph. D. in Mathematical Sciences. He was pleased to report that they had, for the first time, used the Senate proposal as their working document for approval.

Bornhorst reported to the Board of Control on progress on the faculty handbook, the sabbatical leave policy, and the constituency issue. He also discussed with Janet Hayden, Executive Assistant, the possibility of having Senators meet with the Board as had been done in other years. The Board has not been available for breakfast meetings since they have been meeting in the morning instead of afternoon. If the Board goes back to afternoon meetings, they will probably be able to meet with Senators again.

### TIAA-CREF Retirement Health Benefits Task Force

Chief Financial Officer McGarry reported on the Retirement Health Care Task Force. He stated that he felt like he was entering the twilight zone because he agreed with Les Leifer. The Board had asked the university to investigate two questions related to health care: to prefund or not, and to guarantee or not guarantee benefits to those who retire. The Board concluded that retirement health benefits are definitely not guaranteed now. The task force recommends coverage to be effective at 65 (Medigap coverage), 20% co-pay should be retained, benefits should be guaranteed to those with the plan when they retire, and affected personnel should be given advance notice of plans to cancel the program.

The current plan was prefunded, with 80 points (age + years of service) permitting eligibility, but the prefunding has been suspended. The pay-as-you-go plan recommended by the task force would guarantee benefits to those who retire, provide a one-year warning to personnel before any benefits would be lost, Medigap (eligibility at 65) but not 80-point eligibility would be in effect, and the funding would come from a \$500,000 per year contribution from the university, added to the existing \$2 million plus that has already accumulated. Expected health care expenses would come from the \$500,000. A proposal regarding these provisions will be distributed with the next Senate agenda.

### B. MTU Budget Update - Provost Dobney

Provost Dobney stated that there was not time to cover his entire report and that it would be useless to do only part, so he will postpone his presentation again to the next meeting. He added that he does not agree with the need for pre-funding and is interested in maximizing the use of funds in any given year.

Senator Leifer responded that if the Provost does not understand, he should get a mug (which he pulled out to show the Senate) that says on one side, "Ask Dr. Science," and on the other side it says "I know more than you do."

Bornhorst stated that the Provost's report will be first on the next agenda.

Gilles asked why the task force is recommending to eliminate the

80 points. McGarry stated that there is a considerable cost in paying for the time of retirement for a person between earning 80 points and reaching 65 years of age. Gilles responded that we have it now, why not continue it. McGarry replied that we have big administrators drawing big retirement salaries from our budget now. Senator Arbabi responded that if these people have been administrators and want to retire we can hire two people for the price of keeping one of these. Dobney suggested that one way to equalize this is to require a higher co-pay between retirement age and 65 years, probably 50%. McGarry said that this issue is secondary to the prefunding issue and the guarantee to pay the Medigap rate; employees should pay the difference when they retire early.

Beck stated that if we close the 80 point option, we should anticipate lots of retirements before it ends. Dobney reminded the Senators that the optional retirement furlough [requiring 78 points] offer ends May 17.

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9. OLD BUSINESS

A. Proposal 7-94, Scheduling of Evening Examinations [Appendix E]

Keen MOVED and Irish seconded the motion to approve Proposal 7-94, as amended by the Provost and officers. There was no discussion. The motion PASSED on voice vote with no dissent.

Bradley MOVED and Sandberg seconded the motion to adjourn. The meeting adjourned at 7:26 p.m.

Respectfully Submitted by Janice M. Glime  
Secretary of the Senate

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