

THE SENATE OF MICHIGAN TECHNOLOGICAL  
UNIVERSITY

Minutes of Meeting 267  
8 January 1997

Synopsis: The Senate

- (1) heard that President Tompkins has approved the charter for the Department of Mechanical Engineering and Engineering Mechanics.
- (2) accepted the slate of nominees for the Faculty Review Committee (grievance).
- (3) accepted the slate of nominees for the University Committee on Academic Tenure.
- (4) approved, as amended, the constituent survey on retiree health benefits.
- (5) passed a motion to thank the Board of Control for establishing and maintaining a medical benefits program for retirees covered by TIAA/CREF.

1. CALL TO ORDER AND ROLL CALL

President Bornhorst called the Senate Meeting 267 to order at 5:35 p.m. on Wednesday, 8 January 1997, in Room B45 of the Electrical Energy Resources Center.

Secretary Glime called roll. Absent were At-large senators Harold Evensen and Laurie Whitt, and representatives from Chemical Engineering and Army/Air Force ROTC. Liaisons in attendance were Geoff Roelant (USG) and Ted Soldan (Staff Council).

2. RECOGNITION OF VISITORS

Guests included Ingrid Cheney (Human Resources), Marcia Goodrich (Tech Topics), Duane Thayer (Met & Mat Eng), Les Leifer (Chemistry), Beth Flynn (Humanities), and Freydoon Arbabi (Civil & Environmental Engineering).

3. APPROVAL OF AGENDA

Santeford MOVED and Seely seconded the motion to approve the agenda. Reed MOVED and Mroz seconded the motion to move item 6A (Proposal 1-96, Policy on Threatening or Violent Behavior) before item 5 (Discussion of Constituent Survey on retiree health benefits) and put a 30-minute time limit on it. The motion to amend PASSED on voice vote with no dissent. The amended agenda was APPROVED by voice vote with dissent. [Appendix A. NOTE: Only official Senate and Library Archival copies of the minutes will contain a full complement of appendices.]

4. REPORT FROM SENATE PRESIDENT

President Bornhorst has forwarded Proposal 36-95 (Scientific Misconduct Policy Statement) and Proposal 23-94 (Scientific Misconduct Policy), with Senate approval of the Provost's amendments, to the Provost. [Appendix B]

President Bornhorst had lunch with President Tompkins on 17 December and discussed several recent Senate issues.

President Tompkins has approved the charter for the Department of Mechanical Engineering and Engineering Mechanics.

President Bornhorst presented a slate of nominees for the University Committees on Grievance and Tenure. Two committee members are needed for the Faculty

Review Committee (Grievance); nominees are Sandra Boschetto-Sandoval (Humanities), Bill Francis (Mathematical Sciences), Steve Hackney (Metallurgical and Materials Engineering), Anil Jambekar (Business and Economics), Bob Keen (Biological Sciences), Carol MacLennan (Social Sciences), Carl Vilmann (ME-EM), John Williams (Chemistry). Mroz MOVED and Pegg seconded the motion to forward the list of nominees to the faculty for vote. The motion PASSED on voice vote with no dissent.

One committee member is needed for the University Committee on Academic Tenure Committee; Darrell Hicks (Mathematical Sciences), Wayne Pennington (Geological Engineering and Sciences), Mark Roberts (Business and Economics), Tom Snyder (Biological Sciences), Sheryl Sorby (Civil and Environmental Engineering), Pete Tampas (Technology) have agreed to be nominees. Williams MOVED and Seely seconded the motion to forward the list of nominees to the faculty for vote. The motion PASSED on voice vote with no dissent.

#### 6. OLD BUSINESS

A. Proposal 1-97: Policy on Threatening or Violent Behavior. [See minutes, page 6697, for a copy of this proposal.]

Mroz MOVED and Walck seconded the motion to approve Proposal 1-97. Senator Keen objected that there were problems in the organization and clarity of the proposal. The zero tolerance suggested by the proposal bothers him; for example, when one student shot another in the leg, this proposal would mean that the student would be gone instead of the lesser action that permits that student to continue toward graduation. After citing several other problems with the proposal, he provided a copy of a proposed amendment that would replace the original proposal in its entirety; Keen MOVED to amend by replacement his rewritten version. [Appendix C]

Senator Beck raised concerns about the list of examples; it could include physical contact in sports or yelling to call for help.

Sloan seconded the motion.

Senator Walck asked why Keen had dropped the item "verbal, written, or electronic harassment." Keen responded that these are already part of the approved Board of Control policy on harassment.

Senator Reed asked if the Harassment Policy covers harassment of a faculty member by a student over a grade. Keen responded that he assumed it does. Walck interjected that it wouldn't hurt to repeat it here.

Senator Arbabi stated that we could precede the list with the statement "with the intent to cause harm or insult."

Senator McKimpson asked if the community was defined clearly for the university. Keen responded that he was not sure, but that the wording was verbatim from the harassment policy, which was approved by the University lawyer.

Discussion ended. President Bornhorst pointed out that the voting units are the full Senate. The motion to amend PASSED on voice vote with no dissent.

Arbabi MOVED and Glime seconded the motion to amend paragraph 3 to read "At Michigan Technological University there is no place for threatening or violent behavior that is forbidden by law and that is intended to cause harm or insult, including such actions as:"

Keen argued that this addition of wording would

require the University to prove intent. Santeford added that the words "forbidden by law" removes things like football.

Senator Beck stated that he would like to see action by the University be based on a conviction through the court system. Senator Gilles stated that the policy was designed to cover cases that don't go to court. Threats are not forbidden by law. Cheney (Human Resources) added that this is only a policy; framing the procedures will be the hard part. Secretary Glime added that someone may not want to take an issue such as stalking to court to get it stopped but might appeal to the University for protection.

Senator Suryanarayana asked if someone can bring action under this policy if the event occurs outside the University [but involves a person associated with the University].

Senator Leifer suggested that we should make use of the University lawyer to get advice on what is legal. Bornhorst responded that the original proposal had already been subjected to two lawyers who thought it was fine.

Keen MOVED and McKimpson seconded the motion to call the question on the amendment to the amended proposal. The motion to call the question PASSED by voice vote with dissent. The amendment FAILED on voice vote with some assent.

Beck re-stated his concern about extending beyond the law. Keen responded that the third paragraph (questioned by Beck) was taken almost verbatim from the already approved harassment and discrimination policy. The policy offers protection when someone doesn't want to take legal action. Gilles added that the law does not protect us against threats; only the President of the United States is protected from threats.

President Bornhorst ended the discussion because the 30-minute time limit was reached.

5. COMMITTEE BUSINESS/REPORTS  
Discussion of Constituent Survey.

The Senate, at the suggestion of the officers, agreed to proceed by making a motion to approve the survey as presented, then making amendments by consensus through rulings by President Bornhorst before voting for approval on the survey.

Arbabi MOVED and Carstens seconded the motion to approve the survey to send to the faculty and professional staff. The plan is to put these in the mail by Friday and get them back next week. The Senate can vote on what to do with survey results at the next meeting and send the results to the Board of Control before the Board's next meeting.

Senator Gale pointed out that the age groups should read "60 and over," not "over 60." The wording was changed to 60 or over by ruling by President Bornhorst without objection.

Cheney (Human Relations) pointed out that one cannot retire under MPSERS with full benefits at 55; you must be 60 to get full benefits.

Senator Gilles stated that we want to ask if people want to retain the 80 points.

Senator Walck suggested that we change the wording to "Should retiree health care benefit eligibility requirements for TIAA/CREF participants remain at 80 points (age plus years of service at MTU)? There was no

objection to this change.

Cheney asked if the note could be omitted because it was misleading. There was no objection to this change.

Cheney stated that there were problems with #3. Flynn (Humanities) suggested removing the last part of item 3, starting with "while." This change was made by ruling by President Bornhorst without objection.

Senator Lambert asked why number 3 was being asked when the choice was obvious. Gilles responded that the constituents need to be informed of other issues involved in making their choice. Vice President Soldan added that the Provost wanted to make the proposal palatable to the Board. Senator Reed questioned why we should ask question three when it was likely to reduce credibility to the Board. Secretary Glime summarized that what we seem to want to know is whether employees are willing to pay for additional benefits during medigap. Thayer added that we need to inform the Board of Control how the faculty feel; it is a disincentive to retire early if we must cover 60% of medical benefits.

Bornhorst suggested removing the last five words of the note because contributions might not remain the same. There was no objection.

Gilles pointed out that this is a survey on how we feel. We are not making demands.

Senator Santeford asked if we should ask if the copay should be the same as that for MPSERS. Flynn responded that the two plans are too different. Senator Leifer stated that a year ago Dobney said you pay all if you are under 65; then Dobney changed our contribution to 60% during medigap; the Fringe Benefits Committee was unanimously against the 60%.

Senator Reed pointed out that in Question 1, the 10.55% for TIAA/CREF does not include the health care cost; MPSERS includes contributions from the state plus 15.17% from MTU. Leifer wanted to know if the contribution from the university should be the same in both plans. Senator Arbabi stated that the benefits differ and are impossible to compare between MPSERS and TIAA/CREF. MPSERS has a fixed income; TIAA/CREF has a fixed contribution.

Senator Sloan stated that the figure for the MTU contribution to TIAA/CREF health care is available for last year and should be added. Soldan stated that last year the contribution toward MPSERS health care was 4.5%.

Senator Suryanarayana pointed out that #1 should refer to "retirement," not "retiree." This was changed by ruling without objection.

Sloan repeated that we can get the figure for current TIAA/CREF percent and add it. The first sentence of the note was reworded to read "MTU now contributes 10.55% of an employee's salary toward TIAA/CREF retirement benefits plus the University contribution to health care for retirees (currently x%) [x to be supplied based on figures from the past year] and 15.17% toward MPSERS. This change was accepted by ruling without objection.

Cheney stated that we should remove the word "only" from the last sentence of the note. There were no objections to this change.

Sloan stated that MPSERS used pay-as-you-go and now has problems. Vice President Soldan added that it also had used prefunding but the governor had raided

the funds.

Senator Wang asked where the money would come from if we increase the benefits and if it would affect salary raises. Arbabi responded that the budget is decided separately every year, so it is not easy to say. Suryanarayana stated that the Provost says if we fund this we can't give a 3% raise, only 2%. Gale agreed that these issues are not independent.

Beck stated that we have spent \$300,000 for new spousal hires, \$1.5 million for the Meese Center, and \$1 million for the Dean of Engineering. There has been no talk of raises.

Reed stated that in #4, the note should include the dollar amount. Bornhorst responded that it is given in the background section.

Arbabi stated that the previous actuarial report was unrealistic because there was no MTU history on which to base it. The Provost wanted to change the plan; therefore, there was no independent actuarial study. Leifer added that in 1992 the actuarial study took the worst case scenario; they projected a prefunding of 40-50 million by 2011. The interest would pay for the baby boomers. However, the costs didn't increase as much as expected. The Provost's Task Force estimated that \$550,000/year would cover benefits until 2023.

Senator Vichich suggested that we add to number 4, "as directed June 1995 by the Board of Control." Cheney suggested that we end question 4 after the word continued. Sloan countered that we do not want the prepayment re-instated as it was; we want a new estimate. The consensus was to maintain the original wording for #4.

Senator Beck suggested that we should separate the list of alternatives into individual choices in question 5. Arbabi responded that we don't want to duplicate the Provost's survey; we want to know if we want to spend money on the faculty or on other things; a complete list would be too long.

Senator Mroz reminded the Senate that the Board would not be the only ones to see the survey; students will see it as well and the results could present the faculty as being self-serving. The consensus was to keep #5 as it was presented.

Walck suggested several changes to paragraph three of the background. In the second sentence, the word sentiments should be changed to opinions. The abbreviations RHB (Retiree Health Benefits) and PAYG (Pay as You Go) should be spelled out. These suggestions were accepted by ruling without objection.

Senator McKimpson pointed out that nothing was presented about prefunding to cover a year with high expenses. Flynn responded that the committee is trying to be neutral; they will send a bulletin before the questionnaire goes out, presenting some of the issues.

The motion to approve the survey PASSED on voice vote with dissent.

Bornhorst moved the discussion to the statement provided at the end of the survey handout. This statement expresses appreciation to the Board of Control for establishing and maintaining a medical benefits program for retirees covered by TIAA/CREF. Bornhorst requested that the last paragraph be removed, since he would automatically take the statement to the Board of Control if it passes. There was no objection.

Flynn suggested that the words "Michigan Tech" be

moved in front of the word "retirees" in the last sentence of the first paragraph, to read "We also appreciate the subsequent deliberations and actions of the Board intended to insure a stable and secure program for the benefit of Michigan Tech retirees, employees young and old, and spouses." No one objected to the ruling.

Mroz MOVED and Carstens seconded the motion to accept the printed statement with the modification of moving the words "Michigan Tech." The motion PASSED on voice vote with no dissent.

Vichich MOVED and Nesbitt seconded the motion to adjourn.

The meeting adjourned at 7:33 p.m. with an open motion on Proposal 1-97 on the floor.

Respectfully Submitted by Janice M. Glime  
Secretary of the Senate