

THE SENATE OF MICHIGAN TECHNOLOGICAL  
UNIVERSITY

Minutes of Meeting 268  
22 January 1997

Synopsis: The Senate

- (1) approved Proposal 2-97, Trial Usage of Alternative Student Evaluation Instruments: Amendment of Senate Proposal 2-87 Teaching Effectiveness Policy.
- (2) referred Proposal 1-97, Policy on Threatening or Violent Behavior, to an appropriate Senate committee.
- (3) heard the Executive Committee decision on constituents who are in administrative positions or who work closely with administrators.
- (4) heard the results of the Senate constituent survey on retiree fringe benefits.

1. CALL TO ORDER AND ROLL CALL

President Bornhorst called the Senate Meeting 268 to order at 5:30 p.m. on Wednesday, 22 January 1997, in Room B45 of the Electrical Energy Resources Center.

Secretary Glime called roll. Absent were at-large senators Santeford and Whitt, and representatives from Army/Air Force ROTC, Fine Arts, IWR, Enrollment Management, Research/University Relations /Administrative Offices, Finance/Advancement, and Academic Services/Non-Engineering. Liaisons in attendance were Evan Schemm (GSC), Geoff Roelant (USG), and Ted Soldan (Staff Council).

2. RECOGNITION OF VISITORS

Guests included Dick Heckel (Met and Mat Eng), Freydoon Arbabi (Civil & Eng. Eng.), Ingrid Cheney (Human Relations), Marcia Goodrich (Tech Topics), and

3. APPROVAL OF AGENDA

Bornhorst requested that item 9A be moved to follow item 4 in the agenda. Seely MOVED and Mroz seconded the motion to approve the agenda as amended. The motion to approve 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 MEETINGS  
264-267

Vichich MOVED and Mroz seconded the motion to approve the minutes of meeting 264. The motion PASSED on voice vote with no dissent.

Senator Keen stated that the University legal firm is Butzel Long, not Butzel and Long. Williams MOVED and Seely seconded the motion to approve the minutes of Meeting 265 as corrected. The motion to approve PASSED on voice vote with no dissent.

McKimpson MOVED and Vichich seconded the motion to approve the minutes of Meeting 266. The motion to approve PASSED on voice vote with no opposition.

Secretary Glime asked that the minutes of Meeting 267 be amended to reflect that Geoff Roelant (USG) was present. Sandberg MOVED and Williams seconded the motion to approve the minutes of Meeting 267 as corrected. The motion carried on voice vote with no dissent.

9A. OLD BUSINESS - PROPOSAL 2-97: TRIAL

USAGE OF ALTERNATIVE STUDENT  
EVALUATION INSTRUMENTS: AMENDMENT OF  
SENATE PROPOSAL 2-87 TEACHING  
EFFECTIVENESS POLICY [See minutes, page 6723, for  
a copy of this proposal.]

Walck MOVED and Sandberg seconded the motion  
to approve Proposal 2-97. Walck stated that the Kansas  
State teacher evaluation instrument to be used for the  
trial evaluation was an improved instrument over the  
one we currently use, with a data base already available  
from other schools. Bornhorst added that there were 55  
faculty volunteers, covering 90 course sections.

Senator Reed asked if we approve the trial use of the  
Kansas State instrument, must we approve another  
proposal in order to keep using it. President Bornhorst  
responded that we would.

Senator Leifer asked if anyone has seen the  
instrument. Bornhorst responded that he and the  
members of the instructional Policy Committee have  
seen it. Senator Seely added that the forms have arrived  
so that it should be possible for anyone to see the  
instrument.

Leifer asked if we were to vote for this instrument  
when we have never seen it. Bornhorst responded that  
such was the case. Senator Keen added that the trial  
instrument would include our present core items so that  
comparisons could be made for promotion and tenure  
purposes.

Seely added that a crucial point is to allow data to be  
released to Bill Kennedy (Director of the Center for  
Teaching, Learning, and Faculty Development).

Bornhorst added that the prior Senate policy (Proposal 2-87) does not allow use of another instrument, so the  
Senate has to give faculty permission to use the Kansas  
State form. Senator Suryanarayana asked the purpose of  
the trial and how we could evaluate whether it is a better  
instrument. Keen responded that the instrument can test  
specifically on the objectives of a course; it comes with a  
large data base; instructor feedback on their satisfaction  
will be an important factor in the evaluation.

Suryanarayana asked if instructors would be polled and  
Keen responded that they would.

Senator Shonnard questioned how it would be  
workable if the instrument were customized to every  
professor. Keen responded that the core questions  
would be used to do that. Bornhorst added that the  
overall evaluation is a compiled number instead of a  
single number. Discussion ended.

Bornhorst stated that the voting units are the  
academic-degree-granting departments and other  
course-offering units. There was no objection. The motion to approve Proposal 2-97 PASSED on  
voice vote with no dissent.

5. OPEN MOTION TO APPROVE PROPOSAL 1-97:  
POLICY ON THREATENING OR VIOLENT  
BEHAVIOR [See minutes, page 6763, for a copy of this  
proposal.]

President Bornhorst reviewed that Senator Keen was  
concerned over the wording of the original proposal, so  
he (Keen) re-wrote it to re-structure it and make it  
clearer.

Keen stated that based on further discussions with  
Senators he recommended combining the first and  
second sentences to read, "Michigan Technological  
University is a diverse community that requires an  
environment of trust, openness, and physical safety  
where productive work, teaching, and learning can  
thrive." Bornhorst ruled this change to be editorial; there  
was no objection.

Bornhorst explained that the policy needs a  
procedure to be workable.

Senator Gale suggested changing the affected parties to employees; he questioned what would happen if two students do something down state.

Keen questioned what would happen if someone were convicted of spouse abuse. Senator Walck responded that the original proposal stated "on MTU property;" it was designed to protect freedom of expression as well as freedom from harm.

Bornhorst responded that the proposal won't protect anyone from this type of behavior happening.

Senator Pegg questioned what protection was afforded by the proposal that the law doesn't cover. Bornhorst responded that there is no policy now that defines discipline or permits the University to put information concerning such behavior in anyone's file.

Senator Leifer stated that the tenure guidelines state that if you bring discredit to the university, you can be dismissed.

Secretary Glime reminded the Senate that the law does not protect anyone from threats and that someone may be willing to register a complaint with the university against threatening or violent behavior but be unwilling to take it to a court of law. Bornhorst responded that such a system would necessitate that MTU have a court of law.

Goodrich (Tech Topics) asked why we need a policy; in other places of employment she found that one need only talk to the supervisor who would then talk to the offender and make the behavior stop.

Cheney (Human Resources) stated that if such a policy is passed there would have to be a procedural structure. Bornhorst added that the university or person can still be sued.

Senator Shonnard stated that such a policy would not be timely financially with all the other activities that currently are occupying the time of faculty and staff.

Senator Pegg stated that the policy should not prevent access to the court system.

Senator Mroz suggested that the proposal be sent to an appropriate Senate committee. Senator Sandberg agreed with Mroz and added that if someone points a gun at him, he would call the cops, not the university.

Walck stated that if the handbook doesn't already make clear that the behavior is inappropriate, it should. It could be a policy, a statement, or a resolution, but ours is becoming an increasingly violent society and we need to make clear that such behavior is unacceptable to us.

Cheney stated that there were several members of the Senate on the committee. Bornhorst stated that this could go to a Senate Committee and the Senate Committee could invite members of the original committee.

Leifer stated that we could simply extend the tenure statement to include all employees. Bornhorst argued that it is a case-by-case issue.

Shonnard stated that we already seem to have policies to cover these issues.

Pegg MOVED and Williams seconded the motion to send Proposal 1-97 to an appropriate Senate Committee.

Keen responded that Ellen Horsch (Human Resources) had implied that there was some urgency to get a policy in place; she had indicated that she would be happy to have it passed as amended; there is a current court case related to this issue. There was a case in which the administration of another university dismissed a case with the statement "boys will be boys" and the threatened person took it to court and won half the university.

Senator Seely stated that if we refer the proposal to

a committee he hopes the committee will look for duplication with other policies and determine if there is a basis for an additional policy; he is concerned more about an increasingly legalistic society than about an increasingly violent society; every inappropriate act must be listed or it provides a loophole, even if it is clearly inappropriate by any standard.

Walck stated that she is more afraid of violence than of lawyers; she would like the committee to come back with a clear explanation of the reasons for having the policy and a comparison of our policy proposal with examples of policies at other universities.

Bornhorst stated that he would like to use the essence of Seely's and Walck's comments for the committee to review the proposal.

Senator Arbabi stated that this is the second session the Senate has spent on this and it is getting nowhere. Discussion ended.

The motion to send Proposal 1-97 to a Senate Committee PASSED on voice vote with no dissent.

#### 6. REPORT FROM SENATE PRESIDENT

President Bornhorst met with President Tompkins and spent half an hour discussing the violence policy. He added that the President stated this is a great issue for the Senate to debate if the Senate wants to use up a lot of time.

The Constitution Committee is making progress. The Executive Committee met on 20 January to decide on eligibility of constituents. There are three categories: constituents who are eligible to be Senators, constituents who are not eligible to be Senators, and those who are not constituents. Senators asked that the list be included with the minutes. [Appendix B] Bornhorst stated that the list needs to be reviewed annually.

Shonnard asked why middle administrators are not eligible to be Senators. Bornhorst responded that they already have a major influence in decision-making in the University.

#### 7. COMMITTEE BUSINESS/REPORTS

President Bornhorst showed a copy of the presentation prepared for the Board of Control and read the results of the survey. [Appendix C] The presentation will include:

1. copy of the resolution
2. appreciation for postponing decision on retiree health benefits and violence proposal
3. survey results
4. summary statements

Senator Vichich stated that the survey illustrates that some folks just put together stuff and go with it. Shared governance should mean that when people consider an issue important, they discuss it and make informed decisions.

As expected, most of those survey respondents affected prefer to have the copy remain as it is, but about half of the respondents feel that other budget concerns should get equal weight to that of benefit concerns; 69% of the respondents favored continuation of prefunding based on a new, independent actuarial study.

Bornhorst sought suggestions on what to present to the Board, stating that he could present the table of responses to each question.

Senator Sandberg suggested that such detail might obscure the message. Senator Nordberg stated that the tables should be available if the Board members want to see them. Senator Pegg agreed.

Sandberg suggested that the tables be included in the packet given to the board but that they should not be

part of the presentation. Vichich agreed. Heckel (Professor Emeritus, Met and Mat Eng) agreed that the presentation should only be the conclusion.

Bornhorst took a straw poll on whether to put the information in the packets. The majority (with some dissent) favored that approach.

Senator Reed was concerned about the lack of randomness in the method of polling the faculty and staff and suggested that we could get the percent of employees who responded in each way. Nordberg stated that we need to present the results fast. Senator Arbabi provided a summary from the Fringe Benefits Committee.

Reed stated that instead of 91.3% it would be more appropriate to state the number of people who want the same or greater weight placed on salary. The consensus was to list separately the numbers who voted for greater weight on salary and benefits and those who preferred equal weight with other budget items. Senators suggested that we should clarify the number of respondents versus the employees in TIAA/CREF and MPSERS.

Bornhorst stated that he felt the last statement in the suggested presentation from the Committee is threatening and he does not want to present it.

Senator Gopal stated that many younger faculty didn't participate in the survey because they didn't understand what they were voting on.

Vice President Soldan stated that the first sentence of the last paragraph from the Committee is wrong. The statement should refer to the respondents and not to employees. President Bornhorst stated that he would prefer not to present the last paragraph. Instead he will state something to the effect that this is presented in the spirit of shared governance.

Arbabi stated that one benefit of the survey is that now more people are aware of the issues of retirement benefits. Vichich added that younger people are not concerned with retirement.

Senator Suryanarayana stated that his concern is with the way the program will be administered in the future. Bornhorst responded that the Fringe Benefits Committee will look at the section of the policy on decisions on individuals [an issue brought to the Senate by Dick Heckel] and make recommendations. Heckel stated that the loopholes are being used now as changes are made to the benefits.

#### 8. NEW BUSINESS

Proposal 4-97: Recommendation to Change Administrative Procedures was introduced so that it could be acted on at the next meeting. [Appendix D]

#### 9. OLD BUSINESS

B. Proposal 3-97: Establishment of the MTU Research Foundation. [See minutes, page 6724, for a copy of this proposal.]

Mroz MOVED and Sweany seconded the motion to approve Proposal 3-97.

President Bornhorst questioned whether the foundation board had enough faculty input.

Senator Nordberg asked if the proposal came from the President's Research Task Force; Bornhorst responded that it did, but that it had also been reviewed by the Senate Research Policy Committee.

Senator Gruenberg stated that the voting units should be the full Senate and that all (KRC, IMP, IWR) research directors should be members of the Board.

Mroz responded that there are 20 research directors, making the Foundation membership too large.

Senator Gale questioned if this would really fit the

definition of a foundation. Senator Reed responded that it was designed to function the same way. Senator Seely stated that most foundations are independent of the university and that the one proposed would not operate outside the university. Its stated purpose is to convince outside contractors that we can handle large contracts.

Reed responded that it forces the research groups and administrators to get together four times each year and creates more openness.

Bornhorst stated that it seems to supplant some of the authority now in the office of the Vice President for Research and Dean of the Graduate School; there would be a body to review changes.

Senator Leifer asked if Reed meant to say that now we would need 20 signatures instead of the present 3. Reed responded no, we would need the same ones as now.

Bornhorst stated that the proposals going out would say MTU Foundation, not MTU.

Senator Nesbitt stated that the University could report a larger amount of grant money and could attract larger grants. Reed responded that it would permit the University to standardize reporting.

Senator Seely asked if there had been any discussion of articulation with the Tech Fund. Reed responded that the issue had not been discussed but that Sellars (Senior Vice President for Advancement and University Relations) is a non-voting member of the Foundation Board.

Senator Sandberg stated that he would vote no on the proposal for two reasons: his Chair, Baillod, is strongly opposed; it would develop into another layer of bureaucracy.

Senator Walck stated that there has been an external review of the Graduate School and they had commented on the establishment of a Foundation.

Senator Shonnard stated that the [Foundation] Board would fail if it added more impediments to research and that they were likely to be more responsible than that. He asked what the cost would be.

Reed responded that there would be no new positions and no up front costs; continuing expenses should be covered by the indirect cost recovery. In response to Walck's comment, he stated that one of the Graduate School reviewers was from Purdue and endorsed the foundation; the review group had suggested that there should be some outside membership from the private sector.

Leifer stated that he agreed with Sandberg.

Reed argued that there now is no one to call on if there is a problem; the Foundation would provide a forum in which to discuss problems.

Leifer asked if anyone had done a cost analysis, and that he would like to see one.

Senator Gale agreed.

Senator Keen wanted to get a sense of the body to the suggestion of adding item 7 to the proposal: The continued existence of the Foundation must be approved in the third year of its existence and every third year thereafter. Sandberg responded that we couldn't kill the Foundation if we were in the middle of a \$5 million government contract.

Seely reminded the Senate that currently such things as waivers on overhead are decisions by one individual. Currently, the administration of research and accounting are separated. Such issues as these can be better dealt with through a Foundation.

Leifer stated that the number of deans, associate deans, etc has increased and that the sunset clause

doesn't work. They never go away.

Nordberg asked if the Senate could have a supporter come to defend the proposal. Walck added that it would also be appropriate to invite Sung Lee (Vice Provost for Research and Dean of the Graduate School). Sandberg stated that he will invite Baillod (Chair, Civil & Env Eng). Shonnard stated that concerns about the cost need to be addressed - this proposal could be referred to the Research Policy Committee.

Soldan MOVED and Vichich seconded the motion to adjourn. The meeting adjourned at 7:29 p.m. with an open motion on Proposal 3-97 on the floor.

Respectfully Submitted by Janice M. Glime  
Secretary of the Senate