

THE SENATE OF MICHIGAN TECHNOLOGICAL
UNIVERSITY

Minutes of Meeting 273
2 April 1997

Synopsis: The Senate

- (1) passed several amendments to the Provost's changes to Proposal 30-95, Policy on Academic Freedom, reinstating its link with tenure and removing ambiguous language regarding their behavior as citizens.
- (2) heard President Bornhorst report that the Board had concurred on the Provost's TIAA-CREF retiree health care plan and that the Administration is moving forward with it.
- (3) approved the slate of nominees for Senator-at-Large: Barna, Flynn, Santeford, Reed, and Drummer.
- (4) agreed to let the Instructional Policy Committee survey the faculty regarding semesters vs quarters.
- (5) heard a report from Bruce Seely regarding school closing and weather advisories.
- (6) made editorial changes to the proposed revisions of the Constitution.

1. CALL TO ORDER AND ROLL CALL

President Bornhorst called the Senate Meeting 273 to order at 5:32 p.m. on Wednesday, 2 April 1997, in Room B45 of the Electrical Energy Resources Center.

Secretary Glime called roll. Absent were at-large Senator Henry Santeford and representatives from ME-EM, Army/Air Force ROTC, and KRC. Liaisons in attendance were Geoff Roelant (USG) and Ted Soldan (Staff Council).

2. RECOGNITION OF VISITORS

Guests included Marcia Goodrich (Tech Topics).

3. APPROVAL OF AGENDA

President Bornhorst requested that items 7 and 8 be renumbered to 8 and 9 and that a new item 7 be inserted in the agenda. The new item 7, New Business, would introduce Proposals 11-97 and 12-97.

Pegg MOVED and Vichich 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. OPEN MOTION TO APPROVE PROPOSAL 30-95: REVISION OF PROPOSAL 17-94, POLICY ON ACADEMIC FREEDOM [See minutes, pages 5718 and 6727, for a copy of this proposal.]

Discussion continued on the modifications of Proposal 30-95 requested by the Provost, dated 12/10/97.

President Bornhorst reminded the Senate that the voting units were Academic Departments. There is an open motion on the floor to amend the proposal by striking the last sentence in the third paragraph of the revision, which reads "In the classroom, faculty are entitled to freedom of discussion in their areas of expertise, but have the responsibility to avoid introducing controversial material which has no relation to classroom subject matter."

Senator Whitt raised concern that the language is vague and could be construed by a lawyer in a way that would not favor the faculty member.

After discussion ended, the motion to amend PASSED on voice vote with no dissent.

Whitt expressed concern that the Provost had dropped the last paragraph of the original proposal

where academic freedom is linked to tenure. Whitt MOVED and Sandberg seconded the motion to retain the last paragraph from Proposal 30-95 by adding it to the end of the document of 12/10/96. That paragraph states "The system of tenure should be designed to be compatible with the concept of academic freedom for faculty. In the event of a conflict between the policy on academic freedom and the tenure policy, the policy on academic freedom takes precedence. Moreover, the tenure policy shall be construed to promote academic freedom."

Senator Gale expressed concern that it is not clear if this policy protects untenured faculty. It should protect both tenured and untenured people, and it is unclear if this paragraph protects untenured faculty. Pegg expressed agreement with Whitt to include the paragraph; we need to protect academic tenure because it is being threatened in many universities.

Discussion ended. The motion to amend by adding the last paragraph from the original Proposal 30-95 PASSED on voice vote with no dissent.

Senator Leifer asked for a copy of the new Academic Freedom Statement. Bornhorst responded that it could be sent to the Senators.

Senator Walck inquired whether we are officers, as stated in paragraph 4. Senator Seely responded that it is the language used by Harvard. Walck responded that at Harvard all faculty are designated as officers.

Whitt suggested substituting the word "representatives" for "officers." Walck suggested "employees" instead.

Vice President Soldan countered that the sense of the sentence is that we are MORE than employees. Whitt responded that if we can't speak for the institution, it reinforces the point that we are not acting in our role as an employee. Senator Sandberg argued that the whole community is part of the university community.

Walck MOVED and Whitt seconded the motion to substitute the word "employees" for "officers" in the first sentence of the fourth paragraph, to read "Faculty are citizens, members of a learned profession, and employees of an educational institution."

Marcia Goodrich (Tech Topics) asked if officer is part and parcel of the institution, and if so, shouldn't the term employee be okay. However, if the sense is educator, then the term employee doesn't do it. Whitt responded that in the third sentence of paragraph 4, "scholars and educators" seemed more appropriate than "scholars and employees." Walck agreed. Bornhorst ruled this as a change to the motion. There were no objections.

Senator Reed asked if we really are officers. Seely responded that Harvard is a corporation, but that in a state university the officer designation does not fit.

Senator Keen asked if we could substitute "educator" for "officers of the educational institution." Walck responded that the intent is to distinguish between freedom as a citizen and as an MTU employee.

Discussion ended. The amendment to change "officer" to "employee" in the first sentence of paragraph 4 and to change "educational officers" to "educators" in the third sentence PASSED on voice vote with dissent.

Walck stated that there were problems with the whole last paragraph. She recommended that the second sentence should end after "discipline" to read "When they speak or write as citizens, they should be free from institutional censorship or discipline." She felt that the meaning is not clear for the second part of the sentence, "but their special position in the community imposes special obligations." What is special about it? Why do we need to be reminded in this document that the public may judge our profession and our institution by our utterances. She criticized the last sentence, saying, "God forbid that I could be held to being at all times accurate."

The phrase "should make every effort to indicate that they are not speaking for the institution" belongs with the clause "when they speak or write as citizens." Whitt agreed that the paragraph could be construed in all kinds of ways that are quite damaging. Whitt MOVED and Walck seconded the motion to strike the fourth paragraph after the word "discipline" in the second sentence.

Senator Shonnard agreed and expressed that the fourth paragraph seems to restate what is already stated in paragraph 3 regarding responsibility. The last paragraph seems to be a repeat.

Senator Gale explained that the added paragraph (4) had come from the Provost.

Whitt stated that it was important to keep the second sentence. Goodrich (Tech Topics) explained that letters to the editor often identify a person as a member of the faculty and therefore put a "mantle of respect" on what is written that perhaps doesn't belong there. The paragraph is intended to avoid misunderstandings such as this. Keen commented that even the faculty had great difficulty distinguishing between a letter written by Denice Logan, Board of Control member, and Denice Logan, private citizen.

Senator Pegg added that it is not our duty to protect the citizens who don't understand the difference. Leifer agreed.

Discussion ended. The motion to amend by striking all of paragraph 4 after the word "discipline" in the second sentence PASSED on voice vote with dissent.

There was no further discussion. President Bornhorst ruled that the changes were more than editorial so that the main motion had to wait until the next meeting before voting. It will be at the top of the agenda of the next meeting. A new, edited copy will be provided. There was no objection.

5. REPORT FROM SENATE PRESIDENT

President Bornhorst reported that the Board met 14 March through a conference call and that he was just a listener - he did not make a report. The Board concurred on the TIAA-CREF retiree health care plan presented by the Provost, so the Administration is moving forward with it.

Bornhorst explained that nominations for Senator-at-Large do not officially close until the Senate accepts the slate of nominees and that the officers have in the past attempted to provide a slate with multiple choices. The nominees are Bruce Barna (Chem Eng), Tom Drummer (Math Sci), Beth Flynn (Humanities), Dave Reed (Forestry), Henry Santeford (Civil & Env Eng). There will be two Senators elected.

Mroz MOVED and Seely seconded the motion to close the nominations. The motion PASSED on voice vote with no dissent.

Instructional Policy Committee. President Bornhorst reported that the Instructional Policy Committee had reworked the calendar survey. Senate Assistant Meyers distributed the new survey form to the Senators. The committee has incorporated Senate suggestions and Senator Walck helped in the wording of the survey. The survey will be printed with machine-scorable forms. It will be given to Faculty Senators to distribute and collect, then returned to the Senate Assistant. Senators will be responsible for getting all the votes of their constituents; the Senate Assistant will be responsible for "nagging" the Senators and the Senators will be responsible for "nagging" their constituents.

Senator Mroz asked if any consideration had been given to a longer January break; there could be considerable savings on snow removal and other daily costs. Others reminded him that staff still have to be on campus. Senator Seely added that MIT has all of January off and faculty can do other things, including teach courses that range in duration from one day to the entire month.

Senator Chavis asked if the staff would also be polled. Keen responded that the purpose of the survey is to address the educational aspects of changing to semesters. Bornhorst added that other aspects would be considered after the survey, if the faculty supported change.

Senator Whitt added that she found the January term to be very valuable.

Whitt suggested interchanging questions 2 and 3 in both parts so that the questions are in the sequence of quarter, quarter, semester instead of the semester question being in the middle.

Senator Pegg asked why there were two sets of questions when the second set asked the same ones as the first. Keen responded that the committee wanted to separate the financial considerations from the educational ones. Senator Sweany suggested adding a fourth option of 4-1-4.

Seely commented that some schools on the 4-1-4 calendar have a 14-week semester and end the second or third week of May.

Senator Nesbitt stated that you can do it with a 16-week semester and end the middle of May.

Walck reminded the Senate that the important question was to distinguish faculty sentiment toward quarters vs semesters and if we add other options it would confuse that issue. Perhaps we should strike the "early January" part of the question.

Seely stated that the date of the beginning and end of the academic year are important considerations for many people [for academic reasons]. Keen responded that the committee is aiming to find out if there is strong support for a change. If there is no strong support, then the other parts of that question are not an option.

Whitt suggested we could add a third part to deal with options within semesters, assuming semesters were desirable.

Senator Reed agreed with Keen that the other versions of the options would confuse the primary options, but that there should be only two options.

Keen responded that some people really like quarters but hate the winter break. Reed agreed that it would then be appropriate to leave the dates in with the semester as well.

Senator Gale asked if we get a vote of 30-40-30%, then how would we evaluate it. Keen responded that the choices would be ranked so that it should make the preferences clear.

Seely stated that we should leave the proposal as it is because the committee had obviously considered all these issues.

Senator Leifer reminded the Senate that we still had not solved one problem, that the statement it is "costly" does not indicate how costly it is. We keep hearing we are in a very tight financial situation.

Keen stated that someone can indicate they like the change in part 1 but could consider any amount over \$1000 to be too high to support the change, as indicated in part 2.

Senator McKimpson asked if the questionnaire could indicate more flexibility in the question on semesters, such as "most likely to begin..."

Senator Sandberg urged the Senate to let the survey go as it is.

Senator Vichich suggested rearranging items 2 and 3 with the new question 3 asking about semesters with no dates given. Bornhorst suggested the committee consider better wording for item 2 and putting it after the present item 3.

Bornhorst asked if there were any objections to letting the Committee go forward with the questionnaire. There were none.

6. COMMITTEE BUSINESS/REPORTS

Academic Policy Committee Bruce Seely [Appendix

B]

Senator Seely summarized the Committee's discussions regarding weather advisories. Their overall conclusion is that the best choice is either to close or remain open. However, there are conditions in which closing is not a clear choice. To prepare for such days, each faculty member should inform students of expectations should a weather advisory be issued; such information should be included in the syllabus.

President Bornhorst asked if the Committee intended to change the language and provide the Senate with a proposal. Seely responded that the committee is looking for the sense of the Senate before making a formal proposal.

Senator Leifer stated that he sees nothing wrong with a policy that says the university is closed due to weather or the university is not closed due to weather. If it is closed, it is closed for students and faculty and emergency personnel must report for work. Senator Vichich agreed; he managed to drive to KI Sawyer 100 miles away when students 12 miles away did not make it.

Secretary Glime stated that a weather advisory tells students what options they have and that work can be made up, whereas having classes during bad weather with no advisory provides students no assurance they can make up what has been missed and may take a risk that shouldn't be taken.

Vice President Soldan stated that Staff Council is also looking at this issue and has proposed that the advisory section of the policy be deleted.

Senator Walck asked why the committee had decided to retain the weather advisory. Seely responded that it retains the same construction as the existing policy, but that the committee tried to clarify it. The logic did not seem to fit what had been happening.

Glime added that for her courses there is no lab time available for 40 students to make up a lab and both sections meet the same day, but arrangements can be made for 3-4 students to come to the Learning Center and someone can be there to help that small number.

Seely stated that some members of the committee had expressed the same problems as those stated by Glime.

Senator Kitalong stated that one problem is that the radio station announces that the weather advisory means that classes are optional. Senator Pegg countered that careful language should be provided by the instructor to explain the policy for that course.

Senator Nordberg expressed that there is concern about university liability and concern for the other employees of the university.

Leifer asked how an advisory can help if Kitalong is right.

Glime responded that her attendance on the day of an advisory was the same as on other days. Leifer countered that he had only 12 students there in a class of 100.

Keen stated that clarification and options should be put in the faculty (and student) handbook.

Bornhorst suggested that the committee provide a proposal to modify the weather advisory as expressed in the memo. The issue of whether or not there should be an advisory at all can be dealt with by the full Senate.

7. NEW BUSINESS

President Bornhorst introduced Proposals 11-97, Recommendation on Retirement Health Benefit Fund, and 12-97, Recommendation to Change the Eligibility Conditions of Section 6.3.1 of the Faculty Handbook. [Appendices C and D]

8. OLD BUSINESS

A. Proposal 10-97: Amendment of Senate Constitution

and Bylaws [See minutes, page 6873, for a copy of this proposal.]

President Bornhorst called for a motion to approve the revised Constitution and announced that we may need a special meeting to accomplish the second approval that is required by the Constitution.

Mroz MOVED and Sandberg seconded the motion to approve the revised Constitution.

Senator Keen pointed out two editorial changes in the distributed copy. On p. 7, item H.3, it should be meetings instead of meeting. On p. 8, item K.10.e should be removed because it is covered in item K.11.a. Bornhorst ruled these editorial changes to be made and there were no objections.

Senator Nordberg questioned why Article IV.A.5 does not include the entire constituency as it does now. Bornhorst responded that the current Senator-at-large is selected from among the faculty, but that the entire constituency votes.

Senator Pegg asked for clarification of Article II.A.1. Bornhorst explained that it admits as a constituent anyone who has the equivalent of a full-time appointment, so that a person working 3/4 time for 12 months would be a constituent for that year.

Senator Walck asked for clarification of "coaching staff" in Article II.A.4. Keen responded that those people appointed as coach in the Athletic Department may also instruct, but that even those who do not instruct are included. Vichich suggested the wording should be "athletic coaches" [to exclude such titles as learning center coach]. President Bornhorst ruled it as an editorial change. There was no objection.

Walck asked where the 11 units in Article II.B.1.c.1 were defined. Secretary Glime suggested adding the words "as defined in the bylaws."

Senator Vichich suggested taking out the "eleven" to allow for re-organization later. Walck responded that the concern was to maintain the number of eleven non-academic representatives. Keen added that the Senate would arrange the membership to maintain eleven representation units; they will not necessarily correspond to organizational units.

Pegg asked if this meant there would be 11 senators. Bornhorst responded yes, and that adding to c1 "as defined in the bylaws" clarifies the intent.

Walck stated that c3 should be first under II.B.1.c, with c1 and c2 renumbered.

Bornhorst ruled that c3 would be placed first and c1 and c2 renumbered. There were no objections.

Vichich stated that the new c1 should read "There shall be eleven non-academic units. Two of the units shall be the Library and Physical Education; the other nine shall be composed as defined in the bylaws." Walck stated that c3 should still be stated first. Bornhorst clarified that then the section would place c3 as c1 and the present c1 would become c2 and read as stated by Vichich. Walck asked that the new c2 include a statement that the units may not correspond with reporting units. Keen responded that the statement can be pulled from the bylaws and put here, to read "The groupings of the non-academic units are only for Senate representation. The reporting structures of constituents within any one unit may differ." Bornhorst ruled that these changes would be made. There were no objections.

Pegg asked for clarification of "composition" in the new c1. Bornhorst responded that it could be individuals or groups, as needed to constitute 11 units.

Walck asked why Article III.A. had been changed from the previous version. Keen responded that the Senate doesn't speak for the membership, i.e. "it doesn't speak for me." Glime suggested retaining the first line of the previous Constitution, to read "The Senate is the representative body for its constituents."

Keen responded that the Senate does not speak on

all matters and that he will speak for himself. Senator Sloan agreed that we need to state that we represent. Walck stated that we speak when we pass proposals. Pegg added that he understands Keen's concern, but that he interprets the wording to mean speak for the body, not the individual.

Keen responded that Article II establishes that the Senate is representative. Senator Leifer stated that even if a law is stupid, you must obey it, even if it doesn't speak for you individually. He respectfully disagreed with Keen on this constitutional matter. Keen responded that in passing the law, the body didn't speak for him.

Sloan stated that Article II doesn't call the Senate a representative body [as stated earlier by Keen].

Senator Kitalong stated that the Senate speaks "on behalf" of its constituents on matters under its jurisdiction.

Whitt stated that the intent is to designate this as THE representative body.

Sandberg stated that the Senate can do something on his behalf even if he violently disagrees with it. Bornhorst restated the suggested revision to add at the beginning of Article III.A "The Senate is the representative body for its constituents and speaks on their behalf on matters under the Senate's jurisdiction." discuss other matters. Mroz MOVED and Leifer seconded the motion to add "The Senate is the representative body for its constituents and speaks on their behalf on matters under the Senate's jurisdiction" to item III.A.

Pegg countered that the Senate should be able to

Senator Gale stated that we should not change the wording presented in the revised constitution; the Republicans do not speak for the Democrats.

Goodrich (Tech Topics) asked where this leaves staff constituents. Leifer responded that they aren't OUR constituents.

Sloan responded to Gale that we don't have a party system and she would like to think that representatives do things on her behalf.

Bornhorst responded to Goodrich that in terms of University policy the Senate represents the professional staff.

Glime reiterated Whitt's point that this is THE representative body for its constituents and that no other body can take on that role.

Discussion ended. The motion to include at the beginning of III.A. the statement "The Senate is the representative body for its constituents and speaks on their behalf on matters under the Senate's jurisdiction" from the previous version of the Constitution PASSED on voice vote with dissent.

Walck suggested that changes only should accompany the next agenda.

Vichich MOVED and Sandberg seconded the motion to adjourn. The meeting adjourned at 7:30 p.m.

Respectfully Submitted by Janice M. Glime
Secretary of the Senate