

# The Senate Of Michigan Technological University

## Minutes of Meeting 275

30 April 1997

### Synopsis: The Senate

- (1) approved, by the required second vote, Proposal 10-97, Amendment of the Senate Constitution and Bylaws.
  - (2) approved the amended Proposal 4-97, Recommendation to Change Administrative Procedures.
  - (3) approved Proposal 7-97, Recommendation to Change Section 6.3.1 of Faculty Handbook.
  - (4) heard that the State Academic Officers have approved the Associate in Applied Science Degree in Chemical Engineering and Technology, the M.S. Degree in Environmental Engineering, and the B.S. Degree in Applied Ecology and Environmental Sciences.
  - (5) approved an edited Proposal 12-97, Recommendation to Change the Eligibility Conditions of Section 6.3.1 of Faculty Handbook.
  - (6) approved Proposal 11-97, Recommendation on Retirement Health Benefit Fund.
  - (7) approved amendments to Proposal 14-97, Policy on Correcting Student Grades and Retention of Student Work.
  - (8) approved Proposal 15-97, Recommendation for a Marketing Survey on the Academic Calendar.
- 

### 1. CALL TO ORDER AND ROLL CALL

President Bornhorst called the Senate Meeting 275 to order at 5:33 p.m. on Wednesday, 30 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 School of Technology, Army/Air Force ROTC, Student Affairs/Educational Opportunities, and Finance and Advancement. Liaisons in attendance were Geoff Roelant (USG), Evan Schemm (GSC), and Ted Soldan (Staff Council).

### 2. RECOGNITION OF VISITORS

Guests included Marcia Goodrich (*Tech Topics*), and Dick Heckel (Prof. Emeritus, Metallurgy).

### 3. APPROVAL OF AGENDA

President Bornhorst requested that Item 7 (Committee Business/Reports) be eliminated from the agenda, and Items 8, 9, and 10 be re-numbered. Nordberg asked why the proposal regarding minors was not on the agenda. Bornhorst responded that we were unlikely to get that far in the agenda and that he didn't want the interested parties to wait through a 2-hour meeting without ever reaching the topic of interest. Vichich MOVED and Mroz seconded the motion to approve the agenda as modified. 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 MEETING 274

Sloan MOVED and Lutzke seconded the motion to approve the minutes of meeting 274. The motion PASSED on voice vote with no dissent.

### 5. A. Second Vote on Proposal 10-97: Amendment of Senate Constitution and Bylaws. [Appendix B]

Keen MOVED and Mroz seconded the motion to approve Proposal 10-97.

Senator Suryanarayana asked if it would be appropriate to have constituents vote separately on each issue. President Bornhorst responded that we had not done it that way before when we ratified the present Constitution. One problem is that the Constitution is interwoven so that passing one part could cause a conflict with another part that was not passed. Therefore, it would be necessary to have successive ballots on the parts, requiring many weeks to complete voting.

Bornhorst pointed out that the probability is low that all constituents will read the new Constitution carefully, so it is up to the Senators to help them understand the effects of the changes. Suryanarayana asked if the changes could be highlighted. Bornhorst responded that he will present a proposed cover memo later in the meeting that outlines the highlights. There was no further discussion.

The voting units are academic, degree-granting, and research units, plus the three designated non-academic units. The designated representatives of those units are Tom Vichich (alternate), Ted Soldan, and Karla Kitalong. The motion to approve the amended Constitution PASSED on voice vote with one dissent.

### **5. B. Open Motion to Approve Proposal 4-97: Recommendation to Change Administrative Procedures. [Appendix C]**

Senator Lutzke stated that there is a common goal that everyone in the University wants to prevent frittering away of the University's financial resources in defending wrongful discharges; we should not prevent wrongful discharge by denying employees their rights and coercing them into relinquishing those rights in return for a job at Michigan Tech. He believes the policy to permit the at-will discharge is a bankrupt policy. If a just cause procedure is followed, the University can give every employee the opportunity to improve performance and the employee is less likely to think about litigation. Everybody will be happier and feel better about it.

Senator Gale stated that if we remove the at-will wording, we should give alternative wording and state that this is a just-cause employment, especially if Michigan is an at-will state.

Lutzke added that we are all aware that in the last several years MTU has lost two significant court cases because proper procedures were not followed in the dismissal. The Patricia Jensen case was settled for \$37,000, but the Kenny Bracco case has cost the University over \$300,000, not counting attorney fees.

Senator Leifer stated that he agreed with Lutzke in principle, but that Jensen had gone to the Supreme Court and it had cost the University considerably more.

Sloan called for the question and Mroz seconded the motion. The motion to close debate PASSED on voice vote with no dissent.

The motion to approve Proposal 4-97 PASSED on voice vote with no dissent.

### **5. C. Open Motion to Approve Proposal 7-97: Recommendation to Change Section 6.3.1 of Faculty Handbook. [See minutes, page 6844, for a copy of this proposal.]**

President Bornhorst clarified the proposal, referring to the attachment to the agenda, that it would remove the statement "A. The employee was hired prior to January 1, 1996."

There was no further discussion. President Bornhorst ruled that the voting units were the full Senate; there was no objection. Proposal 7-97 PASSED on voice vote with no dissent.

## **6. REPORT FROM SENATE PRESIDENT**

President Bornhorst reported that Dave Reed (For & Wood Prod) and Tom Drummer (Math Sci) had been elected by the constituents as Senators At-large. Runners-up, in order of most votes, were Bruce Barna, Beth Flynn, and Henry Santeford.

New Senators have been elected by departments. The Senate Assistant has, today, put into campus mail the solicitation forms for nominations for President and Secretary of the Senate. The election for Vice President will

not be held until fall because the Constitution must be approved before the non-academic units can elect their Senators.

Bornhorst has forwarded to the Administration the resolution regarding research issues and Proposal 30-95, Policy on Academic Freedom. The State Academic Officers have approved the following proposals on 27 January 1997: 13-96, Associate in Applied Science Degree in Chemical Engineering and Technology; 27-96, M.S. Degree in Environmental Engineering; 28-96, B.S. Degree in Applied Ecology and Environmental Sciences. These have been sent to the Board of Control for their approval at the 23 May meeting. **[Appendices D-H]**

Bornhorst has received a memo from the Undergraduate Student Government regarding the academic calendar. The USG held a referendum on the issue as part of their recent election ballot; 77% of those responding opposed the change to semesters. USG, on 16 April, voted its opposition to changing to semesters. The USG letter will be attached to the next agenda. **[Appendix I]**

Vichich, in response to his constituents, conducted an email poll of the auxiliary staff; those results have been sent to Bornhorst. Bornhorst requested that the results be sent to Senator Keen as well.

The Senate officers met with the Provost at 4 p.m. today. The Provost reported that he needed more time on the issue of conflict of interests. The Administration will give us a further response to our recommendations on basic benefits, health insurance, retirement income, changes in retirement medical benefits, and changes in TIAA/CREF retiree health benefit plan.

The administration will provide a response on the Sabbatical Leave Program and the research issues. The Provost will propose another set of amendments to Proposal 17-94, Policy on Academic Freedom.

President Bornhorst presented a suggested memo to be sent to the constituents prior to the mailing of the ballot on the amended constitution. Voting will occur 5-9 May. He asked for comments or suggestions.

Senator Suryanarayana asked why the memo would not be attached to the mailing of the ballot and Constitution. Bornhorst responded that he did not want it to appear that the memo was attempting to influence the voting.

Senator Sloan suggested that the major changes should be listed first, the most important of which was 3b.

Senator Nordberg asked if we could indicate that the voting was unanimous on the first vote and had only one dissent on the second vote. Let's present it in a manner that sounds like the Senate has discussed it. He also suggested that the memo should suggest that constituents should contact their Senators if they have questions. Bornhorst agreed to make these changes.

Senator Walck asked if the revised constitution was on a Web page and could be accessed by constituents. Senator Keen responded that it could be with a few more hours of work, probably by Monday. Bornhorst responded that a complete copy would be sent with the ballots.

Bornhorst clarified that the revisions had to be approved by 2/3 of those constituents voting, then the Administration, and then the Board of Control.

Bornhorst will send a revised memo. There were no objections.

## **7. NEW BUSINESS**

Proposals 5-97: Certificate in Industrial Forestry, 17-97: Earth Science Education Option in the B.S. in Geology Degree, and 18-97: Amendment of Teaching Evaluation Policy were introduced. Bornhorst asked that Senators add to the background of Proposals 5-97 and 17-97 to state that they were reviewed and recommended by the Curricular Policy Committee. **[Appendices J-L]**

## **8. OLD BUSINESS**

**A. Proposal 12-97: Recommendation to Change the Eligibility Conditions of Section 6.3.1 of Faculty**

**Handbook. [See minutes, page 6890, for a copy of this proposal.]**

Sweany MOVED and Shonnard seconded the motion to approve Proposal 12-97.

Senator Arbabi stated that the presentation of Proposal 12-97 was not clear and Arbabi MOVED and Mroz seconded the motion to amend the proposal to read "The Senate recommends that the section of the May 1996 Faculty Handbook discussing eligibility for the TIAA-CREF retirement annuity (6.3.1 TIAA-CREF, paragraph 2, page 6-11) be replaced, starting with "To be eligible" and including items A, B, and C, with the following: "To be eligible for the retirement annuity the employee must hold a regular or fixed term position at 50 percent or greater full-time equivalency." The qualifications stated in A, B, and C are to be eliminated. Discussion ended.

Bornhorst ruled that the voting units were the full Senate. There was no objection.

The amendment PASSED on voice vote with no dissent. Bornhorst ruled the change to be editorial. There was no objection.

There was no further discussion. The motion to approve Proposal 12-97 PASSED on voice vote with no dissent.

**B. Proposal 11-97: Recommendation on Retirement Health Benefit Fund. [See minutes, page 6889, for a copy of this proposal.]**

Arbabi MOVED and Flynn seconded the motion to approve Proposal 11-97.

Senator Mroz asked why this proposal was necessary. Senator Arbabi stated that the interest earned on the reserve fund would be enough to continue covering retiree health benefits and no extra funding would be necessary.

Senator Sweany asked which retirement health plan was intended. Arbabi stated that it referred to the new plan that Provost Dobney had presented at the last Board meeting.

Senator Seely stated that one of the elements of the Provost's proposal was to make it impossible to distinguish between the costs of those who are retired members and those who are still with the institution, so it is unclear how the use of this fund could be tracked.

Senator Leifer responded that we thought we had a good program in 1992; the Board mandated that it be prefunded. In 1995 the Administration suggested that we scrap prefunding and use the pay-as-you go plan because they didn't want to put this amount of money into this program. We argued against that and the Board said they wouldn't disband the prefunding and requested that we study it for one year. The Board didn't suggest to stop prefunding. After the Administration did not study it for one year, they instead appointed a 5-person task force, including Ingrid Cheney (Human Relations), Vicki Little (Advancement), Bill McGarry (CFO), Barry Pegg (Humanities, Financial Committee), and Les Leifer (Chemistry, Fringe Benefits Committee). That group unanimously suggested that \$550,000 per year should be set aside and that would ensure the fund until 2023. Dobney did not agree with the recommendations and has brought three different plans to the Senate. When presenting the third plan, he said that this was his third and final best offer. No retiree can sleep unless this plan is guaranteed. In 9-10 years there will be enough money to guarantee it. However, Dobney said that no administrator could keep hands off the reserve when it reaches \$30-40 million.

Senator Mroz stated that Seely had asked how the retiree health benefits would be paid. Dobney's third plan clearly describes how the benefits would be paid. The R & I fund is for people who retired in the 80's, but the money is coming out of the general fund.

Senator Gale asked if there will be a perpetual annuity. Leifer responded that the Benefits Committee had taken Gale's advise that we could do that.

Sweany stated that he understood it would require no money after a certain date. Bornhorst responded that all those eligible would be actuarially dead by 2024.

Sweany asked where the money in the trust would go then. Bornhorst responded that it should all have been spent by then to finance those who retired.

Bornhorst ruled that the voting units were the full Senate. There was no objection. Discussion ended.

The motion to approve Proposal 11-97 PASSED on voice vote with dissent.

**C. Proposal 14-97: Policy on Correcting Student Grades and Retention of Student Work. [See minutes, page 6923, for a copy of this proposal.]**

Keen MOVED and Walck seconded the motion to approve Proposal 14-97.

Schemm (GSC) stated that students have come to him after one month to inquire about a grade, and he would like to have something to point them to. Keen responded that the one-month limit for a student to challenge a grade is in the present catalog.

Senator Ouillette stated that the one-month limit to challenge a grade will be in bold in the new catalog.

Suryanarayana MOVED and Keen seconded the motion to change the wording to add at the end "or until existing disputes have been resolved."

Vice President Soldan inquired who arbitrates. Bornhorst responded that it is the person who gave the grade. Keen added that the professor must show proof if the grade recorded is different from the one the student thinks was on a paper. There was no further discussion.

President Bornhorst ruled that the voting units would be academic-degree-granting departments and other course-offering units. There was no objection. The amendment PASSED on voice vote with no dissent.

Bornhorst ruled the change to be editorial; there was no objection.

Senator Shonnard asked what should happen if a faculty member tried to return student work but the student was not there to receive it. Bornhorst responded that it must be kept one month.

Senator Vichich suggested, and Suryanarayana MOVED and Shonnard seconded the motion to amend the second paragraph of the proposal to read "Graded student work (exams, papers, homework, etc.) which has not been returned to the student should be retained by the instructor of record for at least one month after the beginning of the next quarter or until existing disputes have been resolved.

Heckel (Prof Emeritus, Metallurgy) stated that the emphasis should not be on graded; some faculty might give a student a grade but have not graded the work.

Senator Ouillette stated that "instructor of record" fits with the electronic way the grade is maintained.

Senator Whitt asked what would happen if a student received an X or an I; would the second paragraph allow the faculty member to discard the student's work?

Bornhorst suggested combining the first and second paragraph and inserting the words "final course" before "grade" in the first sentence to address Whitt's concerns.

Senator Reed observed that there is nothing in the proposal that states what will happen if the faculty member does not do it.

Keen responded that if the student discards the work, then the case is resolved in favor of the faculty member. If the faculty member discards it, then it should be decided in favor of the student.

Suryanarayana queried whether it would represent a dereliction of duty if a faculty member discarded the student's paper prematurely and would therefore be subject to disciplinary action. Bornhorst responded that it

would.

Senator Leifer stated that it is tough if the faculty member is the final arbitrator. Keen responded that there is no recourse. Glime countered that the student would most likely go to the chair.

Reed questioned whether the proposal should read "should" or "must." Keen responded that the proposal is a guideline, so "must" is not necessary.

Bornhorst ruled the changes be accepted as editorial. There were no objections.

Leifer requested that Senators get a copy of the final version. Bornhorst responded that it would be put on email.

The motion to approve the amendment to Proposal 14-97 PASSED on voice vote with no dissent. The vote on the main motion was overlooked (see Meeting 276).

**D. Proposal 15-97: Recommendation for a Marketing Survey on the Academic Calendar. [See minutes, page 6924, for a copy of this proposal.]**

Mroz MOVED and Shonnard seconded the motion to approve Proposal 15-97.

Senator Leifer asked the cost. Keen responded that the first part of the calendar change activity was to gather information. The second part (implementation) would be foolish if it caused us to lose enrollment. However, he suspects that the average entering student doesn't pay attention to the calendar. Gary Neumann said that they could add questions regarding the calendar to the survey already being made by phone to those students who have decided not to come to Michigan Tech after being accepted.

Senator Shonnard asked if we should market-test the alumni; would a change affect donations?

Sloan complained that the survey would go to a self-selected group including only those students who would apply to MTU in the first place; it would not include those who eliminated MTU as a possible choice because of its calendar.

Green asked if it could also go to the grad students who decided not to come.

Secretary Glime asked if the results of the faculty survey were available. Keen responded that they were not ready yet.

Leifer stated that he can't believe any student entering decides where to attend school based on the calendar. However, a student considering a transfer will; we should target that group. Soldan added we should also target the students who are planning to transfer elsewhere. Ouillette responded that the phone survey already includes transfer the students.

Glime expressed concern that the survey was biased by excluding students who did not apply to the university.

Roelant (USG) stated that we should sample the present students.

Senator Walck stated that she will vote against the survey. It would be more meaningful to survey a few schools that have made the change from semesters to quarters. Senator Seely expressed agreement, adding that we should contact MSU because they changed recently.

Leifer stated that both have short-comings, but that the survey is cheap.

Walck stated that the marketing survey is opinion; there is hard data available from schools that have made the change.

Leifer and Soldan both expressed that there are lots of other variables.

Reed stated that we should contact other schools and look at the whole range of effects on the institution, not just effects on enrollment. Discussion ended.

Bornhorst ruled that the voting units were academic degree-granting departments and other course-offering units. The motion to approve Proposal 15-97 PASSED on voice vote with dissent.

## **NEW BUSINESS DISCUSSION**

Since the agenda was completed and the Provost had not arrived, President Bornhorst suggested that we discuss the new business; there was no objection.

### **7. A. Proposal 5-97: Certificate in Industrial Forestry**

Senator Mroz stated that Proposal 5-97 had been approved by the faculty in both the School of Business and the School of Forestry and Wood Products.

Bornhorst added that the Curricular Policy Committee had recommended it for approval.

Senator Gale stated that the Curricular Policy Committee had sent the proposal back to its originators for revisions; this proposal is the result of those revisions.

Senator Shonnard asked if students in this program would get a certificate.

Gale stated that the University will give the student a certificate and it is not necessary to get a degree in that field.

Shonnard asked if there is a minimum requirement of credits for a certificate.

Mroz responded that the Curricular Policy Committee reviewed the credits for a certificate and the proposal meets that minimum.

There was no further discussion and no request for an emergency vote.

### **7. B. Proposal 17-97: Earth Science Education Option in the B.S. in Geology Degree**

Senator Keen asked if anyone is able to finish 208 credits in 4 years. President Bornhorst responded that they take 16 credits of field courses in the summer, so it is possible; such a summer program is standard in geology.

Sloan inquired what the enrollment is in courses like oceanography. Bornhorst responded that it is usually over 20. The option would highlight the program in the catalog; it was easier to make it an option than to make it a degree program.

Senator Gopal pointed out that on page 3 of 4, under GE220, "Introduction" was misspelled as "Introducation."

Leifer MOVED and Shonnard seconded the motion to adjourn. The meeting adjourned at 7:25 p.m.

Respectfully Submitted by Janice M. Glime  
Secretary of the Senate