

**THE UNIVERSITY SENATE OF
MICHIGAN TECHNOLOGICAL UNIVERSITY**

Minutes of Meeting 290

25 March 1998

Synopsis: The Senate

- (1) learned that the "at will" language will be removed from the staff employment application form (from Proposal 4-97).
- (2) heard from Bob Keen the nature of the proposed retrenchment, reconfiguration, and layoff policy.
- (3) approved Proposal 2-98, Pre-Law Option in the BS in Social Sciences Degree.
- (4) heard from Provost Dobney that he will not approve a retirement incentive proposal (4-98) that involves net cost in any budget year.

1. CALL TO ORDER AND ROLL CALL

President Seely called University Senate Meeting 290 to order at 5:34 p.m. on Wednesday, 25 March 1998, in Room U113 of the Minerals and Materials Building.

Secretary Glime called roll. Absent were at-large Senator William Shapton, and representatives from Fine Arts, Geol Eng & Sci, IWR, ME-EM, Library, IMP, and Auxiliary Enterprises. No liaisons were in attendance.

2. RECOGNITION OF VISITORS

Guests included Fred Dobney (Provost), Marcia Goodrich (*Tech Topics*), and Bob Keen (Biological Sciences).

3. APPROVAL OF AGENDA

President Seely announced that item 6C, Report from Stephen Bowen on the General Education Task Force, would be canceled. The Task Force is still debating the general philosophy, so there is nothing new completed to report.

Nesbitt MOVED and Williams 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 MEETING 289

Senator Gopal questioned the accuracy of the statement on page 7326 that U of M has 8% acceptance. [It should be 68% instead.] Williams MOVED and Carstens seconded the motion to approve the minutes of meeting 290 as corrected. The motion PASSED on voice vote with no dissent.

5. REPORT FROM SENATE PRESIDENT

President Seely reported that Vice President Soldan had an outpatient knee operation today, but was expected back soon.

Seely asked Senators to pay attention to the election cycle, especially in nominating Senators At-large.

Seely had lunch with President Tompkins on 19 March. The President has been on the road for the Capital Campaign for six weeks and reports strong support from the target groups. Sellars, Senior Vice President for Advancement and University Relations, also is optimistic

about the campaign.

Seely reported that the State Senate Budget Committee is recommending a 3.5% increase in the university budgets, that the House will ask for a larger one, and that the Governor, who recommended only 1.5%, is likely to recommend the same as the Senate as a compromise. MTU may also get some one-time money.

Senate officers (Glime and Seely) met with Vice Provost for Research Lee and Provost Dobney earlier in the day. Seely will give a copy of the Administration's draft plan for budget procedures and time table, presented at that meeting, to the Senate Finance Committee.

The Undergraduate Student Government is conducting a letter-writing campaign against the tuition increases outlined in the five-year budget. Seely wants to identify an appropriate way to let the Board know where the Senate stands. One Board member said that in protest of an earlier proposed tuition increase the students and families sent a big stack of letters to the Board, but nothing came from the faculty and staff. Seely wants the expression of the Senate regarding the tuition increase to go on record to the Board. The Finance Committee will look at it more closely so that the Senate can prepare a response.

In his report to the Board of Control, Seely stated that there is a big advantage to having a five-year budget plan. It provides a closer link between the budget and goals.

Seely asked Senators to notify their constituents of the need for nominees for the ombudsperson position. The deadline for nominations is 15 April.

Seely reminded Senators that the next Senate meeting is next week, 1 April.

Vice Provost Sung Lee has prepared a research policy report. **[Appendix B]**

The President has approved Proposal 3-98, Social Studies Education Option in the BS in Social Sciences Degree and Proposal 7-98, Amendment to University Closure Policy. The Board has approved Proposal 5-98, Master of Engineering. **[Appendices C-E]**

Seely has received the NCA final report; it has more than 50 pages. Senator Walck added that when the electronic copy arrives it will be put on the web page.

6. COMMITTEE/BUSINESS REPORTS

A. Ad Hoc Committee on Separation -- Bob Keen [Appendix F]

Bob reported that the committee was charged to determine the process by which the University may remove individuals for reasons other than cause. The committee concentrated on retrenchment, reconfiguration, and layoffs.

Keen praised the committee: David Chesney, Renee Greenley, Ellen Horsch, Debbie Lassila, Bill McKilligan, Glenn Mroz, and Bruce Pletka.

No policy appeared to be in place. One had been written by then Vice President Whitten, but it appeared to have disappeared. In the 1991 layoffs, any existing policy appeared to have been ignored.

Keen stated that a new policy must go to the University Tenure Committee for review, but that they probably didn't have the authority to modify it. It must go to a referendum by the entire faculty, and ultimately must be approved by the Board of Control.

The committee has decided to use the terminology "financial emergency," focusing on times of crisis.

Keen outlined the structure of the policy and procedures. It calls for three committees, providing a check and balance system. All financial emergencies must be given a termination date. Basically, the guidelines call for staying away from people as much as possible. However, it does provide a procedure, should such a move be deemed necessary.

Senator Snyder commented that the proposal provides lots of safeguards and protections and asked how long it would take for all steps to be completed to declare the emergency. Keen replied that the committee believed it could happen in a week.

Senator Walck asked if this means the Board of Control cannot create its own policy. Provost Dobney responded that they can, but that they won't. The Board is primarily reactive. If they get the proposal and don't like it, they will ask the Provost to change it.

Keen stated that the proposal was modeled after the one in use at the University of Washington, where there had been a financial emergency.

Senator Pickens asked if the committees would be active before an emergency existed. Keen responded that these are mostly existing committees. The Senate Finance Committee should already be paying attention to conditions that could create an emergency.

Dobney added that with the five-year budget we should all know ahead of time if an emergency is coming.

Keen stated that the quicker we act on an emergency the quicker the deficit drops.

Dobney stated that the purpose of this policy is to reach agreement while we are not in crisis to protect faculty and staff under the worst of circumstances.

B. Board of Control Relations Committee

Seely reported that the Senate officers had met with Board Chair Jim Mitchell before the Board meeting on 20 March. They discussed the "at will" clause in the employment application. Mitchell has worked hard to persuade individual Board members that it is appropriate to eliminate this wording.

Seely followed up on this in his Senate report to the Board. He pointed out that the Administration has been using a procedure that does not permit dismissal at a whim; employees are treated as satisfaction employees. Therefore, if we were to exercise the "at will" dismissal, the affected employees could correctly argue that they had been treated differently from most employees.

The Board decided (through discussion over lunch) that the "at will" statement will go away on the employment application. In its place they agreed to the statement that if an employee is let go, that employee will have the right to arbitration (grievance) process.

Seely pointed out that there is a major gulf in the way the Board members understand things and the way academics do them. In the university our product is also our customer.

Dobney added that the arbitration procedure will be binding -- there will be no right to go to court, but the employee will always have the right to arbitration. This solution was suggested by the Board lawyer, Vercruysee. Seely reported that the meeting of the Senate officers with the Provost now also includes Vice Provost for Research Sung Lee, Vice Provost for Instruction Stephen Bowen, and the President of the Undergraduate Student Government. This was the first meeting in which USG was represented, but this change is consistent with shared governance. There had been concern that it might inhibit the free exchange of ideas, but that did not seem to happen at the first meeting.

7. NEW BUSINESS

Proposal 8-98, Revision of Scientific Misconduct Procedures [Appendix G]

The proposal was introduced. Senator Williams stated that there were few changes from the existing procedures. The most important change was a statement of when the procedure would begin for a complaint; a written complaint will trigger the operation of the procedure. The committee eliminated the word "accused" because it was offensive to some and substituted an explanatory phrase. Other changes were largely editorial.

8. OLD BUSINESS

A. Proposal 2-98, Pre-Law Option in the BS in Social Sciences Degree [Appendix H]

Senator Nesbitt reported for the Curricular Policy Committee that they gave the proposal their wholehearted approval. The only concern was for the library cost, but they found that students can use online searches to meet the need.

President Seely added that the proposal is non-exclusive, i.e., there are other ways to get pre-law in other departments.

Joyce MOVED and Sandberg seconded the motion to approve Proposal 2-98.

Senator Barna reported as Finance Chair, but clarified that the Finance Committee hasn't met to discuss the proposal.

Reynolds, chair of Social Sciences, suggested that their estimate is that at most the enrollment would double the number of majors from 25-30 to 50-60 in the next 5-6 years. Section sizes can accommodate the projected increase.

Barna added that if all the new students required new faculty at \$2000 per student, the total cost would be only about \$50,000. However, the program probably would not require new faculty.

Joyce stated that the real cost would probably be near zero.

The motion to approve Proposal 2-98 PASSED on voice vote with no opposition.

President Seely stated that Proposal 6-98 on the education degree in humanities would probably come next week with reports from the Finance Committee and Curricular Policy Committee.

C. Proposal 1-97, Policy on Threatening or Violent Behavior

Seely stated that the chair of the committee was not at the meeting and that Ellen Horsch (Human Relations) had asked to be present for the discussion, but could not come to this meeting. Therefore, discussion of that proposal would be delayed.

B. Proposal 4-98, Calendar Transition Early Retirement [See minutes, page 7369, for a copy of this proposal.]

Barna MOVED and Nesbitt seconded the motion to approve Proposal 4-98.

Provost Dobney stated he had indicated that the original proposal was too expensive, and that this revised proposal is even worse. He reminded the Senate that we are now under position control. Therefore he will not accept the condition that the position of the retiree will stay in the department. Furthermore, he won't accept any proposal if it costs budget dollars. Some faculty have indicated to him that they won't support the proposal if it takes money out of the raise pool.

Barna asked over what time period the budget must balance; Dobney responded every year.

Barna asked if it costs \$500,000 now, but saves \$1.5 million later, isn't that better? But Dobney countered that it would delay raises.

Senator Joyce asked if there had been a study of salary compression, stating that some new hires are getting as much as full professors in the same department.

Seely stated that the proposal requires that a department would have to hold off hiring for one year, so those remaining would have to carry the balance.

Barna replied that 2.5% seemed to be a very manageable amount with the cap set at one year of salary. He asked what the proposal should look like. The Finance Committee, in running scenarios, had assumed that the plan didn't have to break even for perhaps five years.

Senator Snyder stated that if positions are deferred with several retirements in a department occurring in one critical year, then it puts an unmanageable work load on the others in the department.

Barna responded that there was a surplus of faculty in some departments so that would help to balance out some of the costs of getting new faculty.

Secretary Glime stated that there was some reason to permit faculty to leave rather than go through the calendar change but that the guidelines for the program suggested that there should not be golden parachutes that occurred on an irregular basis. Therefore, she would like clarification on what the proposal was trying to accomplish.

Senator Nadgorny stated that it allows for new programs.

Dobney countered that if the program is open-ended it doesn't encourage retirement; it would only provide a nest egg whenever someone does retire. The 2-year program he provided earlier gave incentive; it had been a pilot program so it did not need Board of Control approval. However, for a proposal such as this to become policy would need Board approval.

Senator Selfe stated that one reason for the proposal was that a number of faculty were not happy about the transition to semesters and this would permit them to retire instead of redesigning all their courses.

Nadgorny argued that this is intended as a pilot program and is only phase 1. It rewards departments by providing a position and enduring replacement.

Barna asked if there was a representative present for the original proposal. Senator Sloan responded that it had come from a professor in the EE department.

Barna stated that an orderly turnover in the senior ranks is desirable, but some don't have the resources to leave. If the University needs realignment, then this is a good investment.

Dobney responded that if there is to be an orderly transition out, a proposal needs to be approved this spring. Maybe we should revisit the last plan in which 16 persons retired at 50% salary during the furlough year.

Seely stated that some constituents have expressed concern that the plan doesn't get rid of the ones we want to get rid of.

Barna asked how we can determine the figure we need for the retirement bonus.

Dobney responded that we need to know what percent the departments need to cover their staffing needs. He suggested that Barna come to the Academic Forum and ask them to suggest the dollar numbers they need.

Barna stated that Dobney could still do the same thing as he did before without getting any Senate input.

Seely asked about the staff.

Dobney asked who could cover for the staff; if a unit can do without a staff member for a year, then do we really need that position?

Snyder MOVED and Reed seconded the motion to table the motion on Proposal 4-98. The motion to table PASSED on voice vote with no opposition.

Seely announced that the Board had approved emeritus status for Senator Rudi Greuer. The Senate applauded him in congratulations.

Senator Joyce stated that a faculty member had been asked to serve on a committee to see if a fund drive is practical and asked how many times this decision was to be made. Seely commented that he had received the same invitation and that this was part of an eternal focus group discussion.

8. ADJOURNMENT

Carstens MOVED and Nesbitt seconded the motion to adjourn. The meeting adjourned at 7:00 p.m.

Respectfully Submitted by Janice M. Glime

Secretary of the University Senate