

**THE UNIVERSITY SENATE OF  
MICHIGAN TECHNOLOGICAL UNIVERSITY**

Minutes of Meeting 291

1 April 1998

**Synopsis:** The Senate

(1) heard that more nominees are needed for Senator At-Large; so far, Beth Reed (Math. Sci.), Kurt Pregitzer (For. & Wood Prod.) and Harold Evensen (ME-EM) have agreed to run.

(2) tabled Proposal 4-98 on early retirement until more information is available.

(3) passed Proposal 1-97, Policy on Threatening or Violent Behavior, with the charge to develop a set of procedures before sending the proposal to the Administration.

(4) tabled action on Proposal 8-98 until Seely gets the opinions of AAUP.

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**1. CALL TO ORDER AND ROLL CALL**

President Seely called University Senate Meeting 291 to order at 5:33 p.m. on Wednesday, 1 April 1998, in Room U113 of the Minerals and Materials Building.

President Seely welcomed back Vice President Soldan, who had missed the last meeting for out-patient knee surgery.

Secretary Glime called roll. Absent were at-large Senators Reed and Walck, and representatives from Army/Air Force ROTC, Civil & Environmental Eng., Fine Arts, Math. Sci., School of Technology, IMP, Acad. Serv.-Eng., Res. & Grad Stud./Univ. Rel./Admin. Off., and Student Affairs & Ed. Opp. Liaisons in attendance were Geoff Roelant (USG) and Ted Soldan (Staff Council).

**2. RECOGNITION OF VISITORS**

Guests included Fred Dobney (Provost), Marcia Goodrich (*Tech Topics*), Les Leifer (Chemistry), Charles Nelson (Humanities), and Ellen Horsch (Human Relations).

**3. APPROVAL OF AGENDA**

Williams MOVED and Nesbitt seconded the motion to approve the agenda. 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 290**

Gale MOVED and Ouellette seconded the motion to approve the minutes of meeting 290. The motion PASSED on voice vote with no dissent.

**5. REPORT FROM SENATE PRESIDENT**

President Seely reminded Senators to help identify candidates for the positions of Senator At-Large. Harold Evensen (ME-EM) has agreed to run for a second term; Beth Reed (Math. Sci.) and Kurt Pregitzer (Forestry & Wood Prod.) have agreed to run.

The Executive Committee met on 31 March and discussed the 5-year budget plan, especially considering those things that may have been overlooked in the plan and that should be considered. The Senate will await the guidance from the Finance Committee before passing a

resolution regarding the 5-year budget plan to go to the Board of Control meeting in May.

The Executive Committee also discussed policies and procedures and how the campus receives information regarding them. Members raised concern about the lack of process of approval of the new staff handbook. Seely explained that the handbook does not set policy, but rather provides a roadmap about information important for staff. In addition to the handbook, Seely commented on the dissemination of information regarding the change in teaching evaluations; the electronic version of the policy is not yet available.

We hope to have a handbook for untenured faculty in the near future, particularly to describe the intermediate review process before the final tenure review.

Proposal 2-98, Pre-Law Option in the BS in Social Sciences Degree has been sent to the administration for approval. **[Appendix B]**

Seely has sent a second letter to Bresnan Communications inquiring about televising Senate meetings. There was no response to his first letter requesting an opportunity to discuss televising meetings. **[Appendix C]**

Seely also sent a letter to Jim Mitchell, chair of the Board, thanking him for his efforts in resolving the "at will" clause in the employee application form. **[Appendix D]**

Seely presented a letter, forwarded by Dean Janners, from a parent regarding academic honors. The questions raised will be given to the Instructional Policy Committee. **[Appendix E]**

Two persons had requested to make informational presentations. Leifer (Chemistry) presented a news item he had received in the morning regarding a retirement survey. Senator Pickens reported a news item that claimed that higher education is not just another business; it needs to grow in a way that uses existing capacity; it can't make money from increased enrollments if it needs more faculty to support more students. **[Appendices F-G]**

## **6. COMMITTEE/BUSINESS REPORTS**

(none)

## **7. NEW BUSINESS**

**Proposal 6-98, English Education Option in the BA in Liberal Arts Degree [Appendix H]**

The proposal was introduced. Senator Nesbitt reported that the Curricular Policy Committee supported the proposal.

## **8. OLD BUSINESS**

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

Nadgorny MOVED and Nesbitt seconded the motion to take the motion to table action on Proposal 4-98 off the table. The motion to take off the table PASSED on voice vote with no opposition.

Gale MOVED and Pickens seconded the motion to table action on Proposal 4-98 until the Finance and Academic Policy Committees can bring back additional information to the Senate.

**B. Proposal 1-97, Policy on Threatening or Violent Behavior [Appendix I]**

Nesbitt MOVED and Ouellette seconded the motion to approve Proposal 1-97.

Ouellette stated that the committee was charged to review if the policy duplicates any other existing policy and to compare policies at other institutions. Ouellette reported that our policy stands up well among the policies reviewed and that it does not appear to duplicate other policies. The proposed policy provides backup for the University when it takes action on such behavior and helps to educate the University community on what is acceptable and unacceptable behavior.

Horsch (Human Resources) agreed with the assessment that it will educate and protect those who don't know what is considered unacceptable. She expressed concern about reference to those behaviors "forbidden by law" and cited such behavior as throwing a coat on a secretary or a shredder onto a desk, neither of which is forbidden by law.

Senator Snyder expressed concern that there may be unacceptable behavior that is not physical. Ouellette stated that the policy presented had been copied from that of Stanford, but that the committee had not limited it to physical as Stanford did.

Snyder MOVED and Richter seconded the motion to remove "that is forbidden by law" from the text in paragraph 3 of the proposal.

Senator Pegg asked if the word behavior includes speech. Horsch responded that she considers that it does.

Senator Shapton expressed concern that the termination or expulsion in paragraph 3 bothers him if such disciplinary action is tied to speech.

Senator Drummer stated that the right to appeal should be defined in the procedures.

Horsch responded that the first threat is not likely to result in termination.

Discussion ended. The motion to amend the proposal to exclude the words "that is forbidden by law" PASSED on voice vote with no dissent.

Pegg asked if the policy includes actions outside the campus environment. Horsch responded that it depends on the circumstances.

Vice President Soldan asked what effect this policy might have on the hockey program. Seely added that pledging is also a concern.

Drummer stated that there might be some duplication with the Student Handbook regarding hazing.

Senator Gale asked if the policy should mention due process.

Senator Williams asked if due process wasn't part of the procedure, by definition.

Provost Dobney added that he prefers to stay away from the legal terminology of "due process."

Horsch stated that if we merely say that rights will be protected, then we can help the one threatened to a timely handling of the complaint.

Leifer (Chemistry) stated that he is not concerned with how Horsch handles things because she is fair. However, under some administrators, when a person is fired it drags on in court for years.

President Seely responded that Leifer's concerns were best handled in the procedures.

Nesbitt asked if the Senate would get a separate set of procedures. Dobney responded that he would be pleased to see a committee develop a set of procedures.

Senator Snyder asked how things are done now. Dobney responded that the union has a policy and procedures, the faculty have rights, student procedures are spelled out, and they are working on procedures for non-union staff.

Leifer again expressed concern about stating that procedures are in place when none exist and cited the long-ongoing case of the person who took yoghurt-covered raisins. One without the other is not safe.

Dobney stated that due process means a person is entitled to be told why terminated and given a chance to respond. It is better to have procedures.

Horsch added that we have learned much more since the yoghurt-covered raisin case; every situation is different.

Leifer stated that he is worried about the person making the disciplinary decision when that person is not very reasonable.

Horsch stated that the process includes reasons and explanations and the Provost must sign off on it. Leifer countered that the Provost signed off on the yoghurt-covered raisin case.

Senator Nordberg stated that the Senate should provide a better framework, something with progressive discipline.

Snyder reminded Senators that they were digressing from the policy issue to one of implementation.

Seely stated that the last statement of the policy implies that procedures will be developed. He suggested that perhaps he and Horsch could try to develop something quickly for Senate review.

Snyder stated that someone could argue that the policy couldn't be enforced until procedures are established.

Seely argued that other rules of procedure apply, but that we can link appropriate ones to this policy.

Horsch added that since people have already been disciplined there is a procedure that is currently used.

Senator Barna stated that there was once a policy and procedure manual and asked what its status was. Horsch responded that it is being revised, but that several administrative units have not submitted their revisions yet.

Seely stated that some things come under Board of Control policy also, so there is overlap and there is not always a clear issue.

Snyder MOVED and Vanden Avond seconded the motion to amend the third paragraph to add the words "or speech" after "A threat of violence includes any behavior."

Barna expressed concern about the addition of speech; words might not involve threat of physical harm, as for example hurting someone's feelings.

Senator Long stated that speech is part of behavior.

Dobney stated that if speech is added, we need to put back in physical harm.

Discussion ended. The motion to amend by adding "or speech" FAILED on voice vote with some affirmative votes.

Leifer suggested that the procedures should be developed before the policy is sent to the Administration.

The motion to approve Proposal 1-97 PASSED on voice vote with no dissent.

Williams MOVED and Nesbitt seconded the motion that before the document is forwarded to the Administration the procedures be developed. The motion PASSED on voice vote with no dissent.

### **C. Proposal 8-98, Revision of Scientific Misconduct Procedures [See minutes, page 7445, for a copy of this proposal.]**

Senator Williams stated that in the original policy the recommendation of the Investigating Committee was not binding on the Administration; in this proposal it is. It also identifies the formal complaint in writing to the Vice Provost for Research as the start of the process.

Williams MOVED and Nesbitt seconded the motion to approve Proposal 8-98.

Seely stated that Vice Provost for Research Lee had reviewed the proposal and said that nothing about it bothered him.

Senator Snyder stated that former Senator Keen had been adamant that the proposal would never be accepted by the Board of Control lawyer if the wording "due process" remained in it. Keen had worked with the lawyers on the previous policy and they were unmovable on that issue.

Senator Pegg stated that in 6.2.5 letters should also be a means of communication with expert witnesses. He also was concerned that in the last sentence only the Committee could request that both parties be questioned in the presence of the other. The two parties involved should also be able to make such a request.

Seely stated that he was willing to use Senate funds to take the policy to outside counsel regarding the wording "due process." Horsch responded that the AAUP has a hotline and can provide such advice.

Williams suggested language to address Pegg's concern, replacing the last sentence of 6.2.5: Either party may request a hearing in which both parties have the opportunity to cross examine other parties and witnesses. The committee will arrange such a meeting if both parties agree.

Snyder questioned the choice of words in paragraph 2 on page 2; *academic* faculty should be *graduate* faculty.

Senator Green stated that when the previous proposal was reviewed by three lawyers they indicated several problems. These included the lack of a provision for cross examination and the omission of a right to a public hearing.

Snyder responded that a public hearing can work both ways; it can be harmful to both parties and the damage cannot be undone.

Williams stated that the whole procedure was designed to have a closed hearing to see if there are grounds for a public hearing.

Horsch stated that it also prevents one person from hiring a good lawyer when the other party is unable to afford a lawyer, as could occur in a case involving a student. The AAUP is available for advice and is not for hire.

Seely stated that NIH, who has dealt with a number of incidents, does not have a public hearing until late in the process. It is difficult to undo allegations brought in a public hearing. Instead we need to ask if we have adequate boundaries. He will raise these questions with the AAUP.

Richter MOVED and Ouellette seconded the motion to table the motion on Proposal 8-98 to an undetermined future meeting. The motion to table PASSED on voice vote with no dissent.

**Discussion of Proposal 6-98.** Chuck Nelson (Humanities) stated that this proposal must ultimately be approved by the Department of Education downstate. He reported that there has been a good response from local people who welcome the opportunity to earn a degree here instead of going to Marquette.

The department only needs to add one course - a methods course.

Senator Barna stated that the Finance Committee was unable to project costs and need information on enrollment projections, indications whether there is sufficient room in existing courses, what the normal teaching load is for a faculty member, and what administrative needs there are to set up teaching internships and monitor the students while they are student teaching.

Nelson reported that most of the courses have ten students. Three students are anticipated for fall and the existing classes can accommodate that growth for now.

Secretary Glime expressed concern that it was not clear that such students would be required to take any more courses in grammar and communication than other degree-seeking MTU students. Nelson responded that HU305, a grammar course, was listed on page 5 of the proposal.

Senator Sloan stated that the requirement for HU341 was not obvious and that it was not clear what was included in the 90 credits of option requirements.

Nelson responded that the grid on page 4 indicates that it is the total for the major, education option, and core.

## **8. ADJOURNMENT**

Williams MOVED to adjourn. The meeting adjourned at 7:18 p.m.

Respectfully Submitted by Janice M. Glime

Secretary of the University Senate