

**THE UNIVERSITY SENATE OF
MICHIGAN TECHNOLOGICAL UNIVERSITY**

Minutes of Meeting 292

15 April 1998

Synopsis: The Senate

- (1) heard that an ad hoc committee will work on the language of the employment application form.
- (2) heard that the AAUP lawyer considers a defined procedure to be a better protection than reference to "due process."
- (3) saw the general education philosophy statement from Vice Provost for Instruction Bowen; Bowen encouraged groups to propose general education programs.
- (4) heard from Kim Maxwell (Michigan Tech Fund) and John Sellars (Vice President for Advancement) that the capital campaign is going well; gifts this year have totaled \$16 million compared to \$4.7 at this time last year.
- (5) passed Proposal 6-98, English Education Option in the BA in Liberal Arts Degree.
- (6) failed to take Proposal 4-98, Calendar Transition Early Retirement, off the table causing that motion to expire; the chairs claimed they could not afford it and the Provost indicated he would not support it.

1. CALL TO ORDER AND ROLL CALL

President Seely called University Senate Meeting 292 to order at 5:37 p.m. on Wednesday, 15 April 1998, in Room U113 of the Minerals and Materials Building.

Secretary Glime called roll. Absent were at-large Senator Tom Drummer and representatives from Biological Sciences, Civil and Environmental Engineering, Institute of Wood Research, ME-EM, Metallurgy and Materials Engineering, Institute of Materials Processing, Keweenaw Research Center, Auxiliary Enterprises, and Student Affairs and Educational Opportunity. Liaison in attendance was Geoff Roelant (USG).

2. RECOGNITION OF VISITORS

Guests included Fred Dobney (Provost), Marcia Goodrich (*Tech Topics*), Stephen Bowen (Vice Provost for Instruction), Kim Maxwell (Michigan Tech Fund), John Sellars (Senior Vice President for Advancement and University Relations), Mike Gilles (Research Services), Charles Nelson (Humanities), Les Leifer (Chemistry) and Hideyuki Shimizu (Japan, guest of Janice Glime).

3. APPROVAL OF AGENDA

Williams MOVED and Carstens 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 291

Ouellette MOVED and Lutzke seconded the motion to approve the minutes of meeting 291. The motion PASSED on voice vote with no dissent.

5. REPORT FROM SENATE PRESIDENT

President Seely reported that he and Ellen Horsch (Director, Human Resources) were working with the Stanford document to find language to replace the "at will" language currently on the employment form and expect to present procedures at the next Senate meeting. Seely will chair a committee to propose changes in the employment language; committee membership includes Jim Hainault (Marketing Retail Operations), Marilyn Haapapuro (Associate Director, Human Resources), Ellen Horsch, Kip Paxton (IMP), and Tim Collins (Dean, School of Technology).

Binding arbitration will apply only to termination of employment.

One problem to be resolved concerns those personnel who signed earlier versions of the employment application. Any change will probably require approval of both parties. After 1989 the "at will" language was present, but before that time the form was less restrictive than the new language is likely to be.

Temporary employees will still be "at will." There will also probably be a probationary period for all new staff employees (similar to the pre-tenure period for faculty). Persons on soft money contracts will not be protected by the new language.

The Officers met with the Provost on 14 April and discussed financial matters and the possibilities for early retirement packages (discussed below).

Seely reported that he had talked to the national AAUP lawyer, Dr. David Knight. He reminded the Senate that Andrea Dickson of Butzel Long had said that it is better to define the process than to use the words "due process." Dr. Knight confirmed her advice. He felt that saying "due process" leaves the interpretation to "ad hocery" and leaves the decision to administration. "Due process" means different things in different venues. It is a problem to get lawyers to recognize the structure that applies.

Seely interpreted that due process could mean "you are fired, this is the reason, good-bye." In any case, defining the process is better than that meant by legal due process.

Leifer (Chemistry) asked why it would not be better to state due process along with the procedure.

Seely responded that it is redundant.

Ballots have been mailed for the Senators at large.

6. COMMITTEE/BUSINESS REPORTS

A. General Education Task Force

Vice Provost for Instruction Stephen Bowen reported on the progress of the general education task force. He first discussed assessment. MTU has completed one year of the unit assessment plan. Items were evaluated as good, adequate, or inadequate. Each unit discussed strengths and weaknesses. Revised unit plans are due next week.

Bowen reported that Paul Nelson attended a business conference that divided people into assessment teams depending on progress made by their universities/departments on assessment; Nelson was on the team of the top 5% who were on the cutting edge. The University of Michigan has requested 25 copies of our assessment plan to use as a model for theirs.

The assessment book will be republished with about 1/4 its original thickness, eliminating those measures that have not worked.

Bowen continued by describing the general education approach. He stated that the first step was to develop a statement of philosophy. This involved setting goals and developing a curriculum framework. A goal statement was sent to all faculty by email two weeks ago. Since there was little response, faculty were polled randomly. Two-thirds had read the statement and had no opinion. One third had various comments, but they tended to cancel each other out, such as too detailed vs not enough detail.

Bowen presented a matrix by which goals might be accomplished, including such things as first year curriculum, establishment of learning communities, integrated and interdisciplinary courses, and vertical integration.

The intention is to implement the new curriculum in September 2000. There will be a framework by September 1998.

One common question is what will happen if faculty don't support general education. Bowen explained that we already have general education; the goal is to make it better. The task force will present one proposal, but they hope that various units and groups of faculty will

also present proposals. They will be given one year to explore the possibilities. There will be faculty workshops in the summer and Bowen has submitted a proposal to the Kellogg Foundation to fund them.

On the other hand, administrative staff are set up differently and have no time to stop doing what they are doing and think about something new. Therefore, we probably will need extra staff to help with the conversion.

The general education and departmental requirements need to be mutually reinforcing. However, there is a tension between departmental priorities and broadening.

Provost Dobney stated that he is determined that 1/4 the curriculum will be general education to produce liberally educated graduates for the 21st century.

Leifer (Chemistry) stated that we don't operate in a vacuum and asked if the task force has looked at other technological school assessment plans. Bowen responded that they had, but that most don't have a plan or are further behind than we are. We were positioned to be ready for ABET 2000.

Leifer asked why others didn't have to be prepared for ABET. Bowen responded that ABET only evaluates schools every 7 years and the others didn't need to be ready yet.

Senator Pennington added that Bowen had been sending people to national meetings that dealt with general education and assessment.

Senator Walck asked if general education will be housed in departments [as it is now] or if some courses may be just general education.

Bowen and Seely responded that we aren't there yet.

Dobney added that he feels every student should have a course in the principles of business and one in the principles of engineering; these could be developed outside those departments.

Bowen stated that the general education program needs a leader; if there is no central administration it falls apart.

Seely added that we are talking about goals, not departments.

Bowen stated that the task force is benchmarking general education. Most technological schools have the requirements that were described by ABET. However, ABET no longer requires X number of specific courses. Therefore schools [MTU] can be more innovative than two years ago.

B. Capital Campaign Update [Appendix B]

Kim Maxwell and John Sellars reported on their progress with the capital campaign and donor giving. Sellars stated that he and the President had just finished the first round of the Capital Campaign and the presidential roundtable of feasibility study has been completed. They have added an international advancement office. Focus of the Campaign has included scholarships, faculty support, technology and integrated learning, and new facilities.

Maxwell stated that they are hiring people to be here for the long haul, not just for one or two years; they want people with a long-term commitment to the university. Therefore, they need lots of training.

Gifts this year have totaled \$16 million, whereas at this time last year they totaled only \$4.7 million. This is because solicitations have become very aggressive. Students are calling alumni and there are almost 700 new donors.

The biggest donations come from alumni, bequests (mostly to the performing arts center), and stock gifts.

Sellars and Tompkins have talked to more than 400 alumni. Consultants have talked one-on-one with potential big givers. The campaign leadership has been identified and we will be able to announce the quiet phase of the campaign in August. That phase will continue the first two years.

Research screening has indicated 1000 good "suspects" for major gifts. However, for these to materialize into gifts the people need to have a desire to be involved. Many of these potential donors will fly in and talk to students and faculty.

Senator Gale asked Sellars what they do with the \$16 million they have. Maxwell responded that it is transferred to the university; many of the gifts are for specific projects and are needed right away.

Senator Walck asked what the offset of expenses is. Sellars responded that at MTU it is \$.12 on the dollar, whereas most schools average \$.16 per dollar. The total cost for salaries, travel, etc. cost \$1.9-2 million per year. This lower expenditure per dollar concerns him.

Provost Dobney asked how much comes from the general fund. Sellars responded that about 30% is funded that way, totalling \$5-600,000 per year.

Maxwell stated that there have been fund raisers, some in individual schools and colleges. Sellars added that others are with corporate relations.

Gale asked where the rest comes from. Maxwell responded that unrestricted gifts, fees on endowments, and other funds serve as a bank. Sellars added that we currently have \$62 million in assets.

Maxwell stated that our \$31 million endowment is woefully inadequate compared to benchmark institutions. We should have a \$200 million endowment.

Secretary Glime asked why Sellars was concerned that our cost was only \$.12 per dollar. Sellars pointed out that you need more people to service more donors. If we cut back people, we could lose \$3-4 million per year.

Maxwell added that people call us for planned giving. We need to be more aggressive and go to people.

Sellars stated that we have the capacity to grow in corporate relations. We could have more gifts in the \$10-25K range, if we had someone who could pursue those relationships and gifts.

Dobney explained that many gifts are ear-marked for new buildings. Most of the rest go to departments for technology and scholarships.

Maxwell explained that they are focusing on endowments and hope to relieve the general fund by enhancing scholarships.

Senator Pegg asked what our endowment ratio is. Sellars responded that it is about \$4,000 per students, much less than other institutions. Maxwell stated that the total endowment is \$31 million.

Sellars explained why the new buildings had been given priority. Donors who have contributed in the past have been asking why we have not closed some of those programs (i.e. buildings). Therefore, they have worked to complete funding and close those programs. The donors are now happy.

Maxwell stated that a foundation in California has donated \$1.2 million to fund the remote sensing program.

7. OLD BUSINESS

A. Proposal 6-98, English Education Option in the BA in Liberal Arts Degree [See minutes, page 7478, for a copy of this proposal.]

Senator Barna, Chair of the Finance Committee, stated that the cost of this degree appears to be modest.

Carstens MOVED and Williams seconded the motion to approve Proposal 6-98.

Discussion ended. The motion to approve Proposal 6-98 PASSED on voice vote with no dissent.

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

President Seely informed the Senate that Senators Barna and Nadgorny had met with the department chairs and had come out "bruised and battered."

Senator Nadgorny stated that the chairs said they don't have the money to support the program (early retirement).

Senator Barna stated that the concerns of the chairs reflect the constraints imposed by the Provost. The cost must balance on a yearly basis and the Provost retains position control, so the department could lose the position.

Seely stated that the Provost acknowledged that the University would benefit by the turnover in faculty, but the cost is usually borne at the department level.

The Senate officers, Provost, Nadgorny, and Barna discussed the proposal during the officers meeting on Tuesday. Faculty concerns relate to whether there will eventually be another program and they don't want to miss that opportunity. However, the Provost and President refuse to approve the proposal; the President stated that he would not approve any early retirement reward programs. Therefore, the Senate could pass a statement that there are no plans for any special retirement programs.

Seely continued that the Provost has agreed to a "me too" plan, i.e., if a plan did arise, for example under a new administration, it would apply to those who have retired in the previous two years.

Senator Carstens stated that this information could be published so everyone knows.

Seely added that any statement that this is a University policy would require Board approval; that would protect the "me too" in the future.

Senator Sweany asked why this would require Senate support. Seely responded that it was the Senate who started the discussion. The present proposal won't be approved by the Administration. This statement would clear the air and answer the uncertainty of policy.

Leifer (Chemistry) stated that this is de ja vu. It always reverts to him to make comments. In 1994 the Provost asked Leifer to design a program that required no prefunding, stating that it could go through the Senate like a shot. He had proposed that the University raise a person's salary if that person promises to retire in five years. They don't have to prefund it. The Provost called in McGarry (Treasurer/Chief Financial Officer) and McGarry agreed that it required no prefunding. The Provost took it to Tompkins, but in August the Provost and President vetoed the proposal. Leifer stated that we can't afford money for faculty and staff, but we have \$61 million for buildings. If our faculty and staff are so wonderful, why not treat us better.

Senator Pennington asked where Proposal 4-98 came from. Seely explained that it had come from Electrical Engineering and the Provost had said we could take a look at it. Therefore, the Senate and Senate committee had spent time going over it.

Leifer argued that if we only pass what will be approved by the Administration, then what kind of a Senate are we?

Senator Pickens countered that a buy out is a bad policy. In one buy-out \$7 million disappeared from the general fund and 50 people lost their jobs.

Seely stated that Proposal 4-98 had been tabled until there was a report. This constituted that report. He will consider that it is tabled for this year.

Barna stated that there have been workload adjustments this year for people who are retiring. Thus, this can be done on a local level (department, college). If there is no cash settlement, there could be a workload adjustment.

Dobney verified that this has been done, but not through his office. We should make the constituents aware of this possibility within their units.

Seely stated that this preserves the department flexibility but creates inequity. He reminded the faculty that the Administration cannot ask someone to retire. They can only discuss it if the person brings up the topic.

Barna argued that he is uncomfortable with a system that is subject to individual whimsy. It has a high potential of risks.

The motion to approve 4-98 was left on the table.

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

Williams MOVED and Reed seconded the motion to take the motion to approve Proposal 8-98 off the table. The motion to take it off the table PASSED on voice vote with no dissent.

President Seely reported that he had discussed aspects of the proposal with the AAUP lawyer. The lawyer indicated that the inquiry should take place in a way to protect both the accuser and the accused.

Seely had raised the issues of cross examination and the right of parties to determine if any part of the proceedings should be public.

The AAUP lawyer stated that our process has two stages. The first is informal to find out if there are grounds for formal investigation (inquiry phase). The lawyer stated that therefore there are no rights. This phase should be kept informal. The formal academic due process with cross examination does not apply and the informal inquiry should not be encumbered by full due process.

Senator Pegg asked, if the inquiry is designed to protect both parties, does it need a form of punishment to discourage?

Senator Reed stated that the first stage doesn't bring proof and we don't want to penalize someone for bringing evidence - the person might not know the whole picture.

President Seely added that it protects the graduate students; a risk of punishment discourages people who can't afford lawyers from coming forward.

Discussion ensued on clarifying the first paragraph under 5, page 2 of 8, but no changes were made. Reed argued that you can't stop people from talking to the press, and the process should be confidential throughout. Senator Shapton agreed. The inquiry committee might not have the expertise to evaluate the alleged misconduct; this would only be available after the investigation committee is formed.

Seely stated that Sung Lee had indicated that he had no problems with the changes proposed.

Seely asked the committee to consider the discussion before the next Senate meeting.

8. ADJOURNMENT

Pegg MOVED to adjourn. The meeting adjourned at 7:27 p.m. with Proposal 8-98 on the floor.

Respectfully Submitted by Janice M. Glime

Secretary of the University Senate