

THE UNIVERSITY SENATE OF MICHIGAN TECHNOLOGICAL UNIVERSITY

Minutes of Meeting 372

8 May 2002

Synopsis: The Senate

- (1) approved Proposal 23-02, Task Force on Career Opportunities for Professional Staff.
 - (2) approved Proposal 17-01, Search Procedure for University President.
 - (3) approved Proposal 16-02, Procedures for Periods of Financial Stress.
 - (4) tabled Proposal 22-02, Policy on Consensual Relationships.
 - (5) approved Proposal 24-02, Scholastic Standards Revisions.
 - (6) approved Proposal 25-02, Prerequisite Policy.
 - (7) approved the formation of a task force to review the policy on threatening and violent behavior.
 - (8) supported USG Resolution 01-2002 on Governor Engler's budget proposal.
 - (9) approved Proposals 18-01, Search Procedure for University Administrators and 19-01, Search Procedure for College Deans.
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1. CALL TO ORDER AND ROLL CALL

President Bob Keen called University Senate Meeting 372 to order at 5:35 p.m. on Wednesday, May 8, 2002, in Room B45 EERC.

Secretary Craig Waddell called roll. Absent were At-large Senators Adolphs and Strong and representatives from Electrical and Computer Engineering, Materials Science and Engineering, Mining and Materials Processing Engineering, Physics, Library, Keweenaw Research Center, and Student Affairs and Educational Opportunity. Liaisons in attendance were Becky Christianson (Staff Council), Matt Saylor (USG), and Karl Haapala (GSC).

2. RECOGNITION OF VISITORS

Visitors included Kent Wray (Provost), Marty Janners (Vice Provost for Student Affairs), Jim Moore (SFWP), Ellen Horsch (Human Resources), Dennis Taylor (USG), Sherry Kauppi (AAO), and Marcia Goodrich (*Tech Topics*).

3. APPROVAL OF AGENDA

Keen presented the agenda and asked for additions or modifications. There were none. There were no objections to the agenda as presented.. [**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 370

Keen presented the minutes from meeting 370 and asked for corrections or amendments. Senator Dickie Selfe said that in discussing Senator Chris Williams' candidacy for senate vice president, he should have indicated that she has been active in most of the administrative positions in information technology generally, not in the Information Technology department in particular. There were no further corrections and no objections to the minutes as corrected. The minutes were declared approved as corrected.

5. PRESIDENT'S REPORT

Keen said that the senate had met with President Curt Tompkins on Thursday, May 2. Keen said that at this meeting, Tompkins (1) indicated that he was not opposed to a 14-week semester; (2) said that he was planning to remain at Michigan Tech for five more years; (3) asked that the senate review the procedures for evaluating administrators and consider conducting such reviews more frequently; and (4) discussed the university's budget problems.

Keen said that the university's budget problems would be the main item of concern at the May 10 Board of Control meeting. Last week, the president, provost, and other university administrators met with the Board of Control Finance Committee. The committee asked that the administration present a balanced budget at the Board's May 10 meeting rather than the \$3-million-deficit budget that Director of Planning and Budget Pamela Eveland had presented to the senate on May 1. Subsequently, the Budget Advisory Group has met twice and has decided that if employment offers were made prior to May 2, those offers would be honored; however, no additional employment offers will be made until the Board of Control decides what the university's budget will be. The administration will present four budget scenarios at the board's May 10 meeting: (1) the \$3-million-deficit budget that Eveland presented to the senate on May 1; (2) a balanced budget; (3) two intermediate budgets, one of which will include enhanced graduate student medical benefits and an enrollment-enhancement plan; the other will allow the relaxing of the hiring freeze.

As a result of the budgetary problems and the president's lack of objection to a 14-week semester, Keen attended a May 6 meeting of the Undergraduate Student Government to explain what he knew about the budget problems and to solicit feedback on a 14-week semester. The USG will meet again on May 9 to discuss how to address these issues at their May 10 breakfast meeting with the Board of Control; they have invited Keen to attend. Keen will make a presentation at the May 10 BOC meeting, focusing on the impact of a balanced budget.

Keen called for questions.

Senator Dickie Selfe asked what, in general, Keen would say to the board about the impact of a balanced budget. He asked if a balanced budget would mean no enhanced medical plan for graduate students.

Keen said that it would.

Senator Carol MacLennan asked if any of the budget scenarios included layoffs or position eliminations.

Keen said that during his May 2 meeting with the senate, President Tompkins said that one of the parameters for cutting the budget was that there would be no layoffs.

Selfe asked if there would be any program eliminations.

Keen said that he wasn't sure how a program could be eliminated without layoffs. He said that 70 percent of the university's budget is salaries and fringe benefits.

Senator Larry Sutter asked if Keen knew what specific actions were being proposed to bring the university's budget into balance.

Keen said that he did not know of any specific proposals other than a hiring freeze.

Sutter asked if a hiring freeze alone would balance the university's budget.

Keen said that a hiring freeze would cut about \$1 million from the \$3 million deficit.

Senator Dave Chesney asked if President Tompkins' support of a 14-week semester was accompanied by a proposed commensurate cut in pay.

Keen said that the president had not mentioned this at his May 2 meeting with the senate. Keen said that students were interested in whether a cut in instructional time would result in a cut in tuition.

Senator Tony Rogers asked if President Tompkins had given any reasons for his change in position on a 14-week semester.

Keen said that the reason offered was research competitiveness. Several senior researchers at Michigan Tech have pointed out to the president that researchers at other Michigan universities are actively writing grants while Michigan Tech researchers are still grading final papers and exams.

Senator Don Beck said that the president had also mentioned the advantage of students getting out into the job market earlier.

Keen said that students have had a mixed response to the proposed 14-week semester. They appreciate the opportunity to gain additional income and experience by entering the job market earlier and to continue to work until Labor Day. However, they are also concerned about a reduction in instructional time.

6. UNFINISHED BUSINESS

Proposal 23-02, Task Force on Career Opportunities for Professional Staff [See minutes, page 9652, for a copy of this proposal.]

Senator Pam Long thanked the Professional Staff Committee (PSC) for their hard work on this and other projects. Long said that the PSC had contacted the professional staff in the various constituencies through their senators. The staff expressed concerns about their contributions not being valued and appreciated within the university community. Simultaneously, the PSC learned of a 1998 College of Engineering survey and report that likewise concluded that professional staff felt that their work at the university was under-appreciated. This report was sent to former Provost Dobney, but nothing became of it.

Senator Jill Bachelor said that since the 1990s, the university has used the Hay system for classifying professional staff. A task force has recently been developed to examine some Information Technology positions, such as system administration positions, and related retention problems. The PSC would like to see this same review process extended to other professional staff positions. Bachelor said that the objective of the PSC proposal is for the senate to create a task force to examine some of the concerns of the professional staff, including opportunities for promotion.

Long said that rewards and recognition for the instructional activities of professional staff are currently inadequate. The Hay system is based on the number of employees that a person supervises as well as how much funding they have, rather than on how many students they teach or how well they teach. Also, some professional staff work long and unpredictable hours on research, and the Hay classification system doesn't adequately recognize these efforts.

Bachelor said that some professional staff have earned advanced degrees or certifications within their fields of expertise, yet such professional development isn't recognized within the Hay system.

Long said that the professional support staff, such as in Financial Affairs and Admissions, need to be distinguished from counterparts at universities where policies are formulated statewide. At Michigan Tech, policies are formulated locally.

Bachelor said that the PSC recommends the following composition of the task force: two faculty members elected by the senate; three professional staff members elected by the senate, one of whom would be on the PSC; three professional staff members selected by the administration; and one *ex officio* member with knowledge of the compensation system to be appointed by the administration. They suggest that within seven months, the task force report to the senate with recommended actions.

Senator Scott Pollins asked when the seven months would begin.

Long said that it would be seven months from the time when the task force was formed, which would probably be in the fall.

Selfe asked why it would take seven months for the task force to file its report.

Long said that considerable research would need to be done on counterparts at other universities, different types of compensation systems, and what other universities do to reward their professional staff.

Senator Dick Prince MOVED and Senator Debra Bruch seconded the motion to approve Proposal 23-02.

Senator Chris Williams said that the proposed task force covers all professional staff, including those who are in any IT position, such as system administration, programming, or management of system administration staff.

There was no further discussion. The motion to approved PASSED on a voice vote with no dissent. Keen said that the proposal would be transmitted to the administration and that the senate would take appropriate action at its first meeting in the fall.

7. NEW BUSINESS

A. Proposal 17-01, Search Procedure for University President [Appendix B]

Keen said that this involved editorial changes in a few sections. At the request of President Tompkins and Provost Wray, directors have been removed from the deans' constituency. At the request of students, the letters made for recommendations for semifinalists will be made available to faculty, staff, *and* students. In section 8.5 some typographical errors have been corrected.

Senator Susan Martin MOVED and Selfe seconded the motion to approve Proposal 17-01.

There was no discussion. The motion to approved PASSED on a voice vote with no dissent.

B. Proposal 16-02, Procedures for Periods of Financial Stress [Appendix C]

Keen said that Proposal 16-02 had again been reviewed by the university's attorney. One typographical error remains in the proposal on page 7, section C.8.e.7: the word *staff* should not be crossed out.

Chesney MOVED and MacLennan seconded the motion to approve Proposal 16-02.

Senator Steve Seidel said that on page 3 in section D.2, the word *chairs* should be included with vice provosts, deans, and directors.

Senator Bruce Barna asked what would distinguish financial stress from the university's current situation.

Keen said that financial stress would be when the president decides that the university is in sufficiently severe financial difficulty that people have to be laid off, including tenured faculty. At his May 2 meeting with the senate, President Tompkins said that there would be no layoffs; hence, the university is not currently in a situation of either financial stress or financial crisis. The current budget problems are being handled by normal budgetary procedures.

Senator Tony Rogers said that Proposal 16-02 says that a state of financial stress will exist when declared by the Board of Control; it's not just a matter for the president to decide.

Senator Carol MacLennan said that the only substantive change to Proposal 16-02 was the deletion of section C.2.d on page 2. She asked what the rationale was for this change.

Keen said that the rationale for this change was to make Proposal 16-02 parallel with Proposal 15-02, Procedures for a Financial Crisis.

Senator Don Beck asked if Keen knew whether Michigan Tech had ever laid off tenured faculty.

Keen said that when the nursing program was dissolved in 1981 or 1982, the single tenured faculty member in that program was not laid off but was transferred to another unit.

Beck said that to the knowledge of the senate, the university has never laid off any tenured faculty member and that this was an important historical note to make at this time.

Keen agreed.

Rogers said that it was important to note that although the university might have a policy against blanket layoffs, by forcing budget reductions within departments and units, the administration can force individual departments to make layoffs, and this may already be happening.

Keen said that, presumably, those layoffs would not include tenured faculty. If a dean failed to provide a department with funds adequate for retaining tenured faculty, such a case would undoubtedly wind up in court.

There was no further discussion. The motion to approve PASSED on a voice vote with no dissent.

C. Proposal 22-02, Policy on Consensual Relationships [Appendix D]

Keen said that this policy was developed at the request of Provost Wray and was modeled on the University of Michigan policy on consensual relationships. Michigan Tech's policy was developed by a taskforce consisting of representatives from the senate (Keen), the Dean of Students Office (Vice Provost Marty Janners), the Affirmative Action Office (Sherry Kauppi), Human Resources (Ellen Horsch), the Undergraduate Student Government (Jake Young), and the Graduate Student Council (the GSC representative was unable to attend the taskforce's meetings). The draft proposal was submitted to the Senate Executive Committee, which suggested revisions. The resulting proposal is currently before the senate. Keen asked for a motion to approve.

Senator Scott Pollins MOVED and Senator Carol MacLennan seconded the motion to approve Proposal 22-02.

Senator Don Beck said that Proposal 22-02 covers only faculty; hence, he said that he would like to offer an alternative proposal that would cover all Michigan Tech employees: faculty, administrators, and staff. Beck distributed and discussed the text of the proposed revision. He said that Senate Proposal 22-02 also includes a problem for faculty whose spouses enroll in their courses; this problem is not included in Beck's proposed revised text. Such relationships should be left to Michigan Tech's nepotism policy. A third objection to Proposal 22-02 is the phrase "broadly interpreted," which is ambiguous.

Beck said that Michigan Tech should not model its consensual relationships policy on the University of Michigan policy simply because both universities are represented by the same legal firm. The times and institutions are different.

Beck MOVED and Rogers seconded the motion to replace Proposal 22-02 with the amended version Beck distributed.

Senator Dana Johnson said that she would like to refer the proposed revision to her constituents.

Keen said that if the amendment was approved, senators would then refer the amendment to their constituents; however, if senators need time for constituents to consider whether or not senators should vote for the amendment, then the proper procedure would be to table the motion to approve the proposal.

Johnson MOVED and Senator Bill Gregg seconded the motion to table the proposal. Keen said that a motion to table was not debatable. The motion to table PASSED on a voice vote with dissent.

D. Proposal 24-02, Scholastic Standards Revisions [Appendix E]

Senator Bill Yarroch, chair of the Instructional Policy Committee, introduced the proposal. He said that

this proposal derived from Provost Wray's Committee on Student Retention. The proposed scholastic standards revisions attempt to address problems with undergraduate student retention. The revisions in and of themselves will not retain students; additional measures will need to be taken. However, the proposed revisions provide the opportunity to retain students.

Yarroch said that the proposed revisions apply only to undergraduate students. The Instructional Policy Committee does not see any conflict between the proposed revisions and Proposals 21-02, Academic Renewal, which the senate approved on April 10. If a student is dismissed under this policy, he or she is not eligible for academic renewal. The proposed revisions in the dismissal policy are primarily clarifications of language. Yarroch said that while most of Michigan Tech's peer institutions each have a single-dismissal policy, Michigan Tech has a three-dismissal policy: the first two times a student is dismissed, he or she can reenroll; the third time a student is dismissed, he or she cannot reenroll. The proposed clarifications would change the options to suspension and dismissal.

Yarroch said that the proposed scholastic standards revisions also increased the transfer GPA from a C- or better to a C or better.

Johnson MOVED and Gregg seconded the motion to approve Proposal 24-02.

Yarroch proposed an amendment. He said that the Academic Suspension and Dismissal Policy says, in part, that a student is eligible for academic suspension "if the semester GPA is below 2.0 in three consecutive semesters." In discussing this policy with advisors, the Instructional Policy Committee realized that the policy does not recognize what is being done at the department level. Hence, the proposed revisions indicate that a student is eligible for academic suspension "if the student is not restored to good academic standing after two semesters of probation."

Yarroch MOVED and Gregg seconded the motion to amend the proposal as follows: "A student is eligible for academic suspension if the cumulative GPA is below 2.0 after a semester of academic probation or *if the student is not restored to good academic standing after two semesters of probation.*"

Senator Carl Vilmann asked if departments have measures other than a 2.0 GPA to determine whether a student is in good academic standing.

Vice Provost Marty Janners said that the university standard for good academic standing is that a student's cumulative GPA, semester GPA, and departmental GPA all be 2.0 or higher. Hence, the sentence discussing only the semester GPA fails to capture the departmental GPA part of the university-wide good standing rule. Including the text "restored to good academic standing" would mean that the student would have a cumulative, semester, and departmental GPA of 2.0 or better.

Vilmann asked why this wasn't specified in the proposed amendment.

Janners said that "good academic standing" is defined in another rule.

Keen called for further discussion. There was none.

The proposed amendment to Proposal 24-02 PASSED on a voice vote with no dissent.

Keen ruled the amendment as editorial. There were no objections to the ruling.

There was no further discussion. The motion to approve Proposal 24-02 as amended PASSED on a voice vote with no dissent.

E. Proposal 25-02, Prerequisite Policy [Appendix F]

Gregg MOVED and Senator Tom Van Dam seconded the motion to approve proposal 25-02.

Yarroch said that this proposal derived from the Registrar's Office and puts into place procedural language that complements the academic standards that the senate just approved.

Gregg MOVED and Yarroch seconded the motion to amend Proposal 25-02 as follows: "4. Students seeking a waiver must contact the instructor of the course requiring the prerequisite for approval *before registration in the course will be allowed.*"

There was no discussion. The motion to amend PASSED on a voice vote with no dissent.

Beck MOVED and Seidel seconded the motion to amend Proposal 25-02 as follows: "Academic departments may also require *C or better* grades in some prerequisite courses."

There was no discussion. The motion to amend PASSED on a voice vote with no dissent.

Keen ruled both amendments as editorial. There were no objections to the ruling.

There was no further discussion.

Chesney said that Proposal 25-02 says that the course instructor has the right to waive prerequisites. He asked if this was subject to review by the department chair or by any other administrator.

Keen said that it was not.

Chesney asked if the course instructor could be required to waive prerequisites by the department chair or by any other administrator.

Keen said that as Proposal 25-02 reads, the course instructor is the one who has the right to waive prerequisites.

The motion to approve Proposal 25-02 as amended PASSED on a voice vote with no dissent.

F. Discussion of Policy on Threatening and Violent Behavior

Keen asked the senate's approval to appoint an ad hoc committee to review Michigan Tech's Policy on Threatening and Violent Behavior in the Workplace and consider the advisability of adding to that policy sections on psychological harassment and bullying. He asked if there were any objections to appointing such a committee. There were none.

Keen appointed the following senators (all volunteers) as members of the committee: Craig Waddell, Pam Long, Zabrina Robinson, Carol MacLennan, Dana Johnson, and Becky Christianson. He said that other members, including Craig Friedrich and Don Beck, might be added later. He said that the committee would will report directly to the senate. Keen asked if there were any objections to appointing these people to the committee. There were none.

Keen said that the committee would:

1. Consider whether it would be sound policy to expand the present violence and harassment policy to include psychological harassment and/or bullying.
2. Consider appropriate wording for such expansion if it is needed.
3. Consult with university officers who would be responsible for implementing any approved policy amendments.
4. Be responsible for its own internal organization.
5. Create a deadline for the production of a proposal.

6. Dissolve the committee when its work is completed.

Chesney said that the senate is considering a policy on consensual relationships and is now reviewing policies on threatening and violent behavior. He asked if there was a groundswell of issues at Michigan Tech that he was not aware of.

Waddell said that abuse happens everywhere and sometimes is not discussed openly. He said that several weeks ago, he proposed that, in addition to a policy on consensual relationships, the university develop a policy on physical abuse. Pam Long pointed out that the university already has such a policy; hence, Waddell withdrew this proposal. Subsequently, several senators pointed out that the current policy does not address psychological abuse or bullying. Hence, Waddell suggested incorporating language on such abuse into the university's current policy.

Chesney said that Waddell's response didn't address his question.

Keen said that the intent was to be proactive.

Chesney asked if the senate was being politically correct.

Waddell said that if it was politically correct to oppose bullying, then the proposed policy review was politically correct.

Rogers said that what concerned him about any policy such as this was subjectivity. If bullying can be objectively defined that's one thing.

Keen said that that's why the committee is to consider whether such a policy is needed.

Selfe asked which university officers would be consulted with in reviewing the current policy.

Keen said that the committee is charged with consulting with those who enforce the Policy on Threatening and Violent Behavior in the Workplace.

Selfe said that it's not Public Safety's policy to advertise offenses of this sort; hence, the senate would be unlikely to know if such offenses were on the increase.

Director of Human Resources Ellen Horsch said that when Michigan Tech's Policy on Threatening and Violent Behavior in the Workplace was first proposed in 1996, she urged the senate to support the proposal. The university needed a policy that clearly stated that violent and threatening behaviors are unacceptable. In reviewing senate minutes from the time, she found that much discussion focused on emotional, verbal, written, and electronic harassment. At that time, the senators felt that such abuse was covered in the harassment policy. Public Safety isn't the only office that may deal with violent situations: violence isn't just physical. Human Resources deals with it; Affirmative Action deals with it; Counseling Services deals with it. The university has a team in place that deals with potentially violent situations that aren't always physical.

Chesney said that in order to deal with a few miscreants, a blanket rule was being proposed that would apply to those who are playing by the rules.

Horsch said that the proposed amendments could probably be addressed in one meeting.

Chesney asked if either Horsch or Vice Provost Janners had seen an increase in abusive behavior over the past five or six years.

Horsch said yes.

Chesney said that that was the answer he was looking for.

Horsch said that's why she urged the senate to develop such a policy in 1996-97.

Vice Provost Janners said that increases in abusive behaviors are occurring not only at Michigan Tech, but nationwide. They involves students, faculty, and staff. There is an increasing tendency to act out frustrations rather than to deal with them in a problem-solving way.

Keen asked if there were any further comments. There were none.

G. Undergraduate Student Government Resolution 01-2002 [Appendix G]

Keen said that USG Resolution 01-2002 was introduced by USG Treasurer Dennis A. Taylor, Jr. The resolution supports Governor Engler's recent budget proposal and derives from a conference of undergraduate student governing bodies that met in Grand Rapids in February. Keen asked for a motion indicating that the sense of the senate is in support of this resolution.

Dennis Taylor said that USG Resolution 01-2002 is the result of an Association of Michigan Universities meeting. The intent of the original resolution was to encourage the legislature to pass Governor Engler's budget proposal. In the meantime, Governor Engler's budget proposal has been passed by the legislature and signed by the governor. Hence, the USG's resolution is reworded to support the governor's budget, encourage Michigan Tech's administration and Board of Control to follow the criteria outlined in the budget, and thank the legislature and the governor for holding higher education harmless [if universities keep tuition increases at no more than 8.5 percent or \$425, whichever is greater].

Keen called for a motion that the sense of the senate in support of USG Resolution 01-2002 be transmitted to the administration.

Beck said that Michigan Tech is obliged to live by the terms of the governor's budget.

Keen said that the Board of Control could raise tuition beyond the guidelines provided in the governor's budget.

Beck MOVED and Rogers seconded the motion to transmit to the administration that the sense of the senate is in support of USG Resolution 01-2002.

Keen called for discussion. There was none.

The motion PASSED on a voice vote with no dissent.

H. Proposal 18-01, Search Procedure for University Administrators

I. Proposal 19-01, Search Procedure for College Deans

Keen said that the senate had approved amendments to Proposal 18-01 and Proposal 19-01 on April 10. The amended proposals were transmitted to the administration. President Tompkins read one sentence common to both proposals differently than Keen and Provost Wray had read it. The university's attorney agreed that the sentence was ambiguous; hence, a clarification is requested.

Keen said that both proposals indicate that after the interviews, the search committee will meet in a closed session and develop a list of three acceptable candidates from the list of semifinalists. The initiator of the committee--either the provost or the president--will also develop a list of acceptable candidates. The committee and the initiator will then meet and agree on mutually acceptable candidates. If there is no agreement, the search will be reopened. The current text says "the Committee and the Initiator will decide on the selection of the finalist candidates from a mutually acceptable list." This is ambiguous. The proposed revision indicates that the initiator negotiates the conditions of employment with the mutually acceptable candidates in whatever order the initiator decides.

Keen said that this would be an editorial change; however, it will have to be addressed as an emergency measure since the senate was only presented with the proposed revisions yesterday.

Keen called for a motion to address the proposed revisions as an emergency measure.

Barna asked why it was necessary to address the proposed changes as an emergency measure if the changes were only editorial.

Keen said that he would abide by the sense of the senate on this point since the proposed changes were editorial rather than substantive.

Rogers said that the changes seem more substantive than editorial. He said that it seems to take the committee out of the loop in selecting finalists.

Keen said that the next step in both the current and the proposed revised search process is that the initiator (the president or the provost) will begin negotiating with the mutually acceptable candidates. Hence, the committee isn't taken out of the loop.

Rogers said that the finalists with whom the initiator negotiates are not selected by the committee.

Keen said that the finalists with whom the initiator negotiates are selected by the committee. Section 9.4 indicates that the committee and the initiator will meet and agree on mutually acceptable candidates. Keen said that the committee that produced Proposal 18-01 and Proposal 19-01 was assembled last year and included Bill Bullet, who chaired the Provost Search Committee, and several other search committee members. The goal was to try to institutionalize the process that actually took place with the selection of the provost and the vice president for research.

Barna said that he agreed with Rogers. Following the procedures outlined in these proposals, there would be two lists of acceptable candidates, and there may be some overlap between the two lists. The current wording indicates that the committee and the initiator will meet and agree on the ranking of the candidates or on some process by which to select the finalists from among the overlapping candidates. The proposed change takes the committee out of the loop.

Keen asked what section 9.4 said.

Chesney asked why the word *candidates* was plural.

Keen said that, presumably, the committee and the initiator would agree on mutually acceptable candidates.

Chesney asked why more than one candidate needed to be agreed upon for one position.

Keen said that three candidates would have interviewed, and more than one might be found to be acceptable.

Chesney said that the function of section 9.4 was to derive a list of mutually acceptable candidates; hence, section 9.5 should narrow the choice to the one candidate to whom an offer would be extended.

Keen said that the committee does not choose that one candidate.

Chesney said that somebody chooses that one candidate.

Keen said that the initiator would have a list of candidates that the committee and the initiator had found mutually acceptable. The initiator would then be free to negotiate terms of employment with any of these candidates.

Beck said that it might be clearer in the singular, since the initiator would only negotiate with one candidate at a time to fill one position.

Rogers asked why the group of mutually acceptable candidates was not identical with the group of candidates with whom the initiator would negotiate.

Barna said that, presumably, the candidates would be negotiated with one at a time.

Marcia Goodrich asked if this was the procedure for bringing finalists to the university.

Keen said that the semifinalists were brought to the university.

Chesney said that section 10.1 indicates that the president or the provost will negotiate with the chosen finalist candidate or candidates. He asked how one could have more than one candidate for one position.

Keen said that section 9.5 indicates that the committee and the initiator will select the finalist candidates from the list of mutually acceptable candidates.

Chesney said that in this case, there could be three candidates in section 9.4; the candidates could be narrowed to two in section 9.5; and the initiator could negotiate with both people for one position.

Keen said that this was correct.

Senator Dana Johnson said that this was how the recent dean's search worked in the School of Business and Economics.

Beck suggested striking the word *candidates*.

Keen said that there might be more than one candidate for the finalist. Negotiations are carried on in section 10.1 with several possible people.

MacLennan said that the committee and the initiator agree on a list of mutually acceptable candidates, but the initiator sets the priority as to which of these candidates is first offered the position.

Keen said that this was correct.

MacLennan said that the committee was then taken out of the loop of prioritizing the mutually acceptable candidates.

Keen agreed.

Barna said that in this case, the proposed change was substantive rather than editorial.

MacLennan agreed that the proposed change was substantive.

Keen said that the proposed change is consistent with the intent of the committee that developed the proposal; in this context, the proposed change is editorial. However, if when senators approved the proposal on April 10, they did so assuming that the committee and the initiator would collaboratively determine the ranking of mutually acceptable candidates, then the proposed change is substantive.

Bruch suggested that section 9.4 might read "The Committee and the Initiator will meet and agree on mutually acceptable individuals as finalist candidates." and section 9.5 might read "The Initiator will prioritize the finalist candidates from the mutually acceptable list."

Senator Bill Gregg said that the proposed amendment is probably the way the proposal should have been worded to begin with; however, the change is substantive. He asked how the senate should proceed.

Sutter said that Bruch's suggestion for section 9.4 was good and that section 9.5 could then be stricken.

Keen agreed.

Chesney said that this still didn't address the question of who will decide which of the finalist candidates will be first offered the position.

Keen said that section 10.1 addresses this issue.

Rogers suggested the following wording for section 9.4: "The Committee and the Initiator will meet and agree on mutually acceptable finalists."

Seidel said that the senate was working hard to avoid saying that the initiator will choose the order in which the finalists will be contacted.

Keen disagreed.

Seidel said that if the senate strikes section 9.5 and leaves section 10.1, the proposal will only *imply* that the initiator will choose the order in which the finalists will be contacted. He suggested removing any ambiguity by replacing section 9.5 with a clear statement that the initiator will choose the order in which the finalists will be contacted.

Keen said that that was close to the wording that has been proposed.

Seidel agreed, but said that the word *select* would be clearer.

Chesney said that section 10.1 says "next acceptable finalists from the list of semifinalists," which implies that there is a ranking. He said that the committee should be involved in the ranking.

Keen said that that would not be acceptable to the initiator. He said that the committee could *suggest* a rank order, and that the initiator may well ask for the committee to rank order the mutually acceptable candidates.

Chesney said that a retired faculty member who served on the search committee that led to the hire of President Dale Stein told him that there were four candidates in this search, three of whom were stellar and clearly more qualified than Stein. President Ray Smith didn't even talk to the other three candidates; he chose Stein.

Keen said that it was intriguing that a president would be able to name his own successor. He said that one wonders where the Board of Control was.

Chesney said that he didn't understand why the committee could not provide a binding ranking of the candidates.

Keen said that that would not be acceptable. The senate could incorporate such language into the proposal, but it would never be approved.

Beck said that when people serve on search committees, they should not approve as finalists people whom they find unacceptable.

Keen agreed.

Bruch MOVED and Sutter seconded the motion to strike section 9.5 and to amend section 9.4 as follows: "The Committee and the Initiator will meet and agree on mutually acceptable finalist candidates. If no agreement can be reached, the search will be reopened."

Seidel said that the proposal should be more explicit and should retain section 9.5.

Keen called for further discussion of the amendment. There was none.

The motion to amend PASSED on a voice vote with dissent.

Keen ruled the amendment as editorial. There were no objections to the ruling.

The motion to approve Proposals 18-01 and 19-01 as revised and amended PASSED on a voice vote with dissent.

8. ADJOURNMENT

Senator Tim Malette MOVED and Bruch seconded the motion to adjourn. The meeting adjourned at 7:05 p.m.

Respectfully submitted by Craig Waddell
Secretary of the University Senate