

THE UNIVERSITY SENATE OF MICHIGAN TECHNOLOGICAL UNIVERSITY

Minutes of Meeting 377

6 November 2002

Synopsis: The Senate

- (1) heard a report from Pam Eveland and Dan Greenlee on the University budget.
 - (2) elected Marv McKimpson to the University Inquiry Committee.
 - (3) elected Bill McKilligan, Michele Miller, Dave Poplawski, Dana Johnson, and Blair Orr to the Vice Provost for Student Affairs/Dean of Students Search Committee.
 - (4) approved Proposal 5-03, Amendment to the Threatening and Violent Behavior in the Workplace Policy.
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President Bob Keen called University Senate Meeting 377 to order at 5:34 p.m. on Wednesday, 6 November 2002, in Room B45 EERC.

1. ROLL CALL OF SENATORS

Secretary Craig Waddell called roll. Absent were At-large Senators Selfe and Rogers and representatives from Civil and Environmental Engineering, Electrical and Computer Engineering, Fine Arts, Physical Education, Keweenaw Research Center, Finance and Advancement, and Student Affairs and Educational Opportunity. Liaisons in attendance were Karl Haapala (GSC), Ike Micheau (USG), and Becky Christianson (Staff Council).

2. RECOGNITION OF VISITORS

Visitors included Sherry Kauppi (Affirmative Programs), Nancy Seely (Center for Teaching, Learning, and Faculty Development), Pam Eveland (Planning and Budgeting), Dan Greenlee (Chief Financial Officer), 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. PRESIDENT'S REPORT

Keen reported that from the candidates forwarded by the senate, President Tompkins has appointed Kurt Paterson (Civil and Environmental) to the Sabbatical Leave Committee and Randy Freisinger (Humanities) to the Athletic Council.

President Tompkins met with members of the senate this afternoon. Tompkins offered his reactions to the November 5 state and federal elections, discussed new appointments to the Michigan Tech Board of Control, and discussed the university's budget and budget priorities.

The Task Force on the 14-Week Calendar met today and will report at the November 20 Senate meeting.

5. COMMITTEE REPORTS

A. Presentation on the University Budget

Director of Planning and Budgeting Pam Eveland presented overheads detailing Michigan

Tech's fiscal years 2001 and 2002 General Fund budgets as they were proposed by the Office of Planning and Budgeting. She then presented overheads showing Michigan Tech's fiscal years 2001 and 2002 General Fund budgets as approved by the Board of Control. The approved budget for 2002 includes the five-point enrollment and retention plan developed by Provost Kent Wray. Eveland said that the university hopes to generate an additional \$500,000 in savings from position review. She said that she hopes that the university will not lose \$280,000 investment income, but that when the General Fund has to borrow from the other funds, those funds can lose investment income.

The budget reductions that were scheduled for fiscal years 2002 and 2003 are in place with the exception of the retention of the Department of Biomedical Engineering and a few other reductions, such as the termination of a degree program in the School of Technology, that are now spread over several years.

Eveland presented a projected, General Fund budget for fiscal year 2003, which was based on the way people budgeted last year and on the planned changes for next year. Eveland said that unlike the budgets of previous years, this General Fund budget includes labs and auxiliaries; in the future, the budget will also include the rest of the D accounts. Eveland said that the Board of Control wants to have the budget presented in the same way that the financials are presented: as one over-all budget [consolidated statement] rather than in separate funds.

Eveland said that she could not promise money that the university doesn't have; however, the administration has been trying to loosen controls on the money that is available. For example, President Tompkins has authorized return of fringe benefits next year, so that administrators in the departments, colleges, and schools will have control over salary and wages, and the fringe-benefits budgets (39.9 cents on the dollar) will be allocated to each unit, beginning July 1, 2003. Thus, if a department leaves a position open for a year, the department could use the fringe-benefit money for other purposes, such as SS&E. Eveland will, however, keep a running total of fringe-benefit monies in case fringe benefits need to be adjusted.

Eveland said that Dean of the School of Technology Tim Collins will serve as coordinator of the summer sessions. She said that Michigan Tech needs to expand its summer sessions and that the university was exploring ways to provide additional financial incentives for departments to expand their summer offerings.

Senator Bruce Barna said that he supported the Board of Control's call for consolidated financial statements. He said that the Senate Finance Committee has long endorsed consolidated statements because shuffling money around from one fund to another at the end of the fiscal year allows people to disguise problems.

Eveland agreed. She said that this was planned for fiscal year 2004.

Senator Larry Davis asked how the fiscal year 2003 budget differed from the fiscal year 2002 budget.

Eveland said that, unlike the FY 2002 budget, the FY 2003 budget did not include a large increase in health-care expenses. The FY 2003 budget includes an additional \$315,000 in property insurance, several new positions, and about a \$350,000 increase in MPSERS. General Education costs stayed the same, but they weren't previously budgeted in the General Fund; these costs were covered by a special fund in former Vice Provost for Instruction Steve Bowen's account. Eveland said that some carry-forward was made available for General Education; hence, none of the General Education classes except UN1002 World Cultures will have a lab fee this year.

Davis said that the university has approximately \$2 million in reserves spread around among Auxiliaries, IT, and one other unit.

Eveland said that this money covered the carry-forwards.

Davis said that the Office of Planning and Budgeting Web site indicates that another \$3 million has been allocated for carry-forwards.

Eveland said that the budget presented to the Board of Control did not include carry-forwards. However, the budget Davis refers to is an actual budget, which does include carry-forwards. Hence, the \$3 million in carry-forward money is not included in the Board-approved budget.

Senator Kelly Strong asked if the carry-forward money was mostly committed but not spent.

Eveland said that it was largely neither spent nor committed.

Davis said that the carry-forwards represent internal budget commitments, not legal encumbrances.

Eveland said that at most institutions, if a purchase order has been issued, funds to cover that purchase will be rolled over to the next fiscal year. This will be Michigan Tech's practice as of next year. Thereafter, "carry-forward" will refer only to monies that aren't already committed to purchases.

Davis said that he believed that a \$2 million surplus was still sitting in Auxiliaries, IT, and one other unit.

Chief Financial Officer Dan Greenlee said that Auxiliaries has a fund balance of \$2-3 million.

Davis asked if this surplus could be transferred to the General Fund.

Greenlee said that this was possible.

Davis asked why the money is still in these funds. He said that the liabilities for carry-forwards--commitments for purchases not yet completed--are in the General Fund; he asked if the money to cover these commitments was being held as surplus in Auxiliaries and IT.

Greenlee said that it was not.

Davis said that in the past, Michigan Tech had transferred surplus money from Auxiliaries and a few other funds into the General Fund and, thereby, reduced the General Fund deficit. He asked why this procedure was no longer employed.

Eveland said that all this does is under-reflect the profitability of Auxiliaries and over-reflect the profitability of the General Fund. As was said earlier, in the end, one still has a consolidated statement; why shuffle the funds around?

Davis asked why not shuffle these funds. He said that since the accounting practices have changed in this respect, it is difficult to track changes in the deficit across years.

Greenlee said that in the past, this transfer had not been made ever year.

Davis said that the transfer had been made whenever there was a surplus to transfer.

Eveland said that this wasn't done consistently over the years.

Senator Jim Pickens said that he agreed that this practice was not followed consistently; however, significant transfers were made from fringe benefits, investments in the retirement and insurance accounts, Auxiliaries, and some other areas.

Greenlee said that his staff could assemble the history of these transfers and then meet with the Senate Finance Committee.

Eveland said that with a consolidated statement, these problems would be resolved.

Senator Erik Nordberg said that he was pleased to see that there would not be increases in healthcare costs. He asked if this was employees' only hope for improvement in compensation for next year.

Eveland said that she did not project any raises for fiscal year 2003. She said that President Tompkins had directed her to include raises in every plan she developed for fiscal year 2004.

Strong said that many senators have realized that the General Fund budget has been in deficit for 6-8 years. Until recently, however, the senate has been unable to get from the administration accurate information on the extent of this deficit. He asked Eveland to comment on the significance of budgeting for raises.

Eveland said that the 2004 budget will be balanced and will include a raise.

Nordberg said that the university had just completed a successful capital campaign. He asked when this campaign would begin to have an effect on the General Fund budget.

Eveland said that this was not her area and that she didn't know the answer to the question. She recommended addressing the question to Senior Vice President for Advancement Fred Hensley.

Greenlee said that student financial support is usually 5 percent of the principal amount of the endowment. This will probably be reduced because the current returns on the market are poor.

Eveland said that she was concerned about this reduced student discount. She asked if this would compromise the enrollment goals of Michigan Tech's five-part recruitment and retention plan.

Pickens said that for years, Michigan Tech has been overspending its base by filling holes with one-time money, such as returns from fringe benefits prior to the increase in healthcare costs. He asked if all of these holes have been filled or if more one-time expenditures are anticipated.

Eveland said that the Budget Advisory Group attempted to identify all of these holes. For example, they took General Education off of former Vice Provost Steve Bowen's carry-forward and incorporated it into the base. She said that the university needs to recognize what is one-time money and what is base money.

Strong asked if Eveland had reason to believe that President Tompkins would accept her recommendation on this point.

Eveland said that President Tompkins made this recommendation himself. She said that in the past, people in control of the budget may not have given the president the same information.

Strong said that that was possible.

Keen asked Eveland what to look for in the news as a sign of additional budgetary trouble.

Eveland said that the state reviewed revenue receipts in October. The university administration does not expect Governor Engler to do a one-time take-back on higher education between now and January, but if he does, this would be a clear signal of additional budgetary problems. If there is an across-the-board reduction in state appropriations, that will also negatively impact Michigan Tech, unless the state holds higher education harmless.

Eveland said that the Office of Planning and Budgeting is developing contingency plans in order to be prepared for such an event. These plans do not include any massive layoff or another 5 percent across-the-board budget cut. If the state does not hold higher education harmless, everyone at Michigan Tech will be affected, but the administration will try to minimize the pain.

Davis said that the university had authorized \$35.5 million in bonds, most of which will be applied to improving and renovating residence halls.

Greenlee said that \$31.5 million will go to Wadsworth Hall; the remainder will go to Douglas Houghton Hall, McNair Hall and the university's electrical cable.

Davis asked what Greenlee anticipated paying as interest on these bonds.

Greenlee said that the Federal Reserve had just lowered discount interest rates by one-half of a percent. Two weeks ago, a 30-year interest rate swap for \$5 million next year and \$30 million the following year (when work will begin on Wadsworth Hall), would have cost about 4.25 percent, or about \$1.2 million in interest per year. He said that he would prefer to structure the bond such that the university would begin repaying principal 15 years out.

Davis asked if the university would increase residence hall fees to cover these costs.

Greenlee said that the bonds were predicated on an increase of \$2 per day per resident. That would total about an additional \$460 per year for each of the approximately 2,000 residents, which would yield about \$920,000 in additional income per year for the university.

Davis asked with whom the university would be placing bonds.

Greenlee said that the bond counsel are Miller-Canfield and the underwriters are Piper Jaffray, who have done the last two bonds issues for Michigan Tech; they are a part of US Bancorp.

Davis asked if this bond would make Michigan Tech subject to any securities laws to which the university is not currently subject.

Greenlee said that he doesn't think that it would. He said that there would probably be a gray ceiling somewhere. Right now the university has about \$10 million left in bond debts from the construction of the Rozsa Center and the Dow Environmental Sciences and Engineering Building. These will be paid down as gifts are received for these buildings. Somewhere around \$55-\$60 million, the university would have a difficult time issuing bonds. However, the underwriters have told the university that another \$35 million in bonds will not be a problem.

Davis asked when the university would become subject to Securities and Exchange Commission regulations.

Greenlee said that that was a good question. He said that as of last year, Michigan Tech was the lowest indebted public university per student in Michigan.

Davis asked what Michigan Tech's cash-flow projection was anticipated to be for the current year.

Greenlee said that he usually projects cash-flow ahead about five to six months. He said that it looks like the university will be fine through December, which is usually the low-point in the year. Last year, Michigan Tech had to borrow about \$1.5 million to get through December. Greenlee said that he was projecting about a \$3 million low-balance in December. Tuition payments in January should bring in about \$12 million.

Strong asked if Eveland served on the university's Strategic Planning Committee.

Eveland said that both she and Greenlee serve on the new Strategic Allocation Committee, which works with the Budget Advisory Group and the Strategic Planning Committee to link the university's budget with the university's strategy.

Barna said that Michigan Tech has not given raises in years, actually took back some compensation packages from employees, routinely spends more than it receives, is shifting some of this deficit spending to long-term debt, and now we're told that there will be no raises in 2003. In the midst of all of this, President Tompkins has announced that we will build two new buildings and that they won't cost us any money; the funding will come from donations. The donations may cover capital costs, but they do not cover operation costs, they don't cover staffing, they usually don't cover furniture, and based on the university's history, donations don't even cover capital costs. When will the administration realize that it may be wise to back off on bricks and mortar and focus on employee resources?

Eveland said that her office does work with Facilities Management on projections for operations and maintenance and includes these costs in university planning and budgeting. She said that that was about all she could say on this point.

Barna said that in the last 10 years, the university has added approximately 1 million new square feet of building space. The university pays about \$5 per square foot per year in operating costs. That's an additional \$5 million per year base budget in space, and our enrollment is unchanged from what it was 10 years ago. Barna said that he wasn't sure why the university needed more space.

Eveland said that the university had done a space study to see how existing space is being used.

Keen thanked Eveland for her presentation.

B. Elections Committee

Keen said that the Senate must approve a slate of nominees from among which President Tompkins will appoint one to replace Kelly Strong as faculty representative on the board of the Michigan Tech Enterprise SmartZone. Keen presented the following list of nominees: Bill Campbell, Terry Monson, and Linda Ott. He opened the floor for additional nominees. There were none. There were no objections to closing nominations. The slate will be forwarded to Tompkins.

Strong said that all three of the nominees are already knowledgeable about MTEPS.

Keen said that the senate must organize a faculty-wide election for the Faculty Review [grievance] Committee. Nominees were Dan Crowl and Marty Jurgensen. Keen opened the floor for additional nominations. There were none. There were no objections to closing nominations. Keen said that the senate would submit ballots to the faculty.

Keen said that Marv McKimpson has agreed to serve another term on the University Inquiry [scientific misconduct] Committee and opened the floor for additional nominees. There were

none. There were no objections to closing nominations. McKimpson was elected by acclamation.

Keen said that Marty Janners is retiring from her position as Vice Provost for Student Affairs/Dean of Students and returning to the Department of Biological Sciences. Hence, the senate must elect to a search committee for this position one staff representative and the following faculty representatives: one from the College of Engineering, one from the College of Sciences and Arts, one from neither the College of Engineering nor the College of Sciences and Arts, and one at-large.

Nominations for professional staff were Danise Jarvey, Robyn Johnson, James Mattson, and Bill McKilligan. Keen opened the floor for additional nominees. There were none. There were no objections to closing nominations. Bill McKilligan was elected to this position.

Nominees for faculty were Kathy Halvorsen, Dana Johnson, Michele Miller, Nilufer Onder, Blair Orr, and Dave Poplawski. Keen opened the floor for additional nominees. There were none. There were no objections to closing nominations. The following were elected: Dave Poplawski (College of Sciences and Arts), Michele Miller (College of Engineering), Dana Johnson (from neither the College of Engineering nor the College of Sciences and Arts), Blair Orr (at-large).

6. UNFINISHED BUSINESS

A. Proposal 5-03, Amendment to the Threatening and Violent Behavior in the Workplace Policy [Appendix B]

Waddell said that last year, after a student told him that he had been assaulted by a university employee, he asked several officials if the university had a policy on physical abuse, but he was unable to identify such a policy. Subsequently, Waddell posted to the senate's discussion list a question on the need for such a policy, and Senator Pam Long responded, indicating that the university already had a policy on Threatening and Violent Behavior in the Workplace. Several senators, however, suggested that the policy needed to be reviewed and possibly broadened to include psychological abuse. In response, Keen created an ad hoc Committee on Threatening and Violent Behavior and appointed the following senators as members of the committee: Bob Keen, Becky Christianson, Craig Waddell, Pam Long, Zabrina Robinson, Carol MacLennan, Craig Friedrich, Dana Johnson, and Don Beck. Keen assigned the committee the following charge:

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.

Waddell said that in pursuing this charge, the committee consulted with Director of Human Resources Ellen Horsch, Affirmative Action Officer Sherry Kauppi, and Dean of Students Marty Janners and subsequently made the following recommendations:

1. Michigan Tech should not overspecify the kinds of abusive behaviors that should be covered by such a policy because this could result in the omission of some behaviors that should be covered by the policy.
2. The language of the policy should describe the effects of behavior, not the intentions of the person initiating the behavior.
3. The policy should address emotional as well as physical harm.

4. The language of this policy should be consistent in the Faculty Handbook, the Staff Handbook, the Student Handbook, and the Michigan Tech Operating Procedures Manual.
5. It should be clear that such policies apply to everyone in the Michigan Tech community, including students, whether in the role of perpetrator or in the role of victim of abusive behavior.
6. More should be done to educate the campus community about such policies.

Consistent with these six recommendations, at the University Senate's September 11 meeting, the committee reported its suggested revisions in Michigan Tech's Policy on Threatening and Violent Behavior in the Workplace. Following this report, Senators Cindy Selfe, Bill Gregg, and Tony Rogers raised a number of concerns about the proposed revisions.

Waddell said that over the next four weeks, Gregg reviewed the violent-and-threatening-behavior policies of a number of other schools, colleges, universities, and governmental agencies and shared his recommendations with the committee. After an exchange of e-mail messages, Gregg drafted a proposed revision of Michigan Tech's Policy on Threatening and Violent Behavior in the Workplace that is consistent with the committee's six recommendations yet responds to the concerns Gregg and others raised at the senate's September 11 meeting. Waddell thanked Gregg for his help with this text.

That revised text was approved by the committee and is presented below. [Boldface indicates additions to and strikethrough indicates deletions from the original (1997) senate proposal, which led to the Policy on Threatening and Violent Behavior in the Workplace in Michigan Tech's Operating Procedures Manual <www.admin.mtu.edu/admin/procman/ch21/ch21p36.htm#behavior>.]

Waddell said that to some extent, the changes proposed by the committee have already been incorporated into the policy described in Michigan Tech's Operating Procedures Manual, which concludes with the following note: "Revised: 04/17/2002 Included emotional harm in the definition of threat of violence."

PROPOSAL 5-03 (AMENDMENT TO PROPOSAL 1-97) POLICY ON THREATENING, HARASSING, AND ~~OR~~ VIOLENT BEHAVIOR IN THE WORKPLACE

Michigan Technological University is a diverse community that requires an environment of trust, openness, and physical safety where productive work, teaching, and learning can thrive. The University recognizes the necessity of protecting individual rights and encouraging free speech, but also recognizes that certain conduct can threaten the mutual respect that is the foundation of scholarly communities. This policy is intended to secure freedom of expression while maintaining the safe and cooperative environment that is vital to a university community. Nothing in this policy shall infringe upon academic freedom, Constitutionally protected freedom of speech, or the conventions of scholarly debate in the academic community.

This policy does not abrogate other policies, rights, and regulations set forth by the university. Further, federal and state laws and local ordinances will be enforced notwithstanding any provision of this policy.

At Michigan Technological University there is no place for threatening, harassing, or violent behavior. Acts of violence include any application of unlawful force upon another person in the workplace ~~physical action~~, whether intentional, negligent, or reckless, and whether or not injury has occurred ~~that harms or threatens the safety of another individual in the work place~~. A threat of violence includes any behavior that, by its very nature, causes another person to fear the application of unlawful force, either immediately or in the future ~~could be interpreted by a reasonable person as an intent to cause harm to another individual~~. Harassing behavior

includes, but is not limited to, any form of blatant or repeated unconsented contact with another person that would cause a reasonable individual to suffer emotional distress. Harassing behavior does not include constitutionally protected activity or conduct that serves a legitimate purpose.

These behaviors by any member of the Michigan Technological University community are prohibited, and individuals engaging in these behaviors are subject to disciplinary procedures ranging from reprimand to termination or expulsion.

This policy shall be administered in accordance with procedures established by the Provost and Senior Vice President for Academic and Student Affairs in consultation with the University Senate.

Waddell said that Gregg had offered the following explanations for the proposed changes:

1. Why "Definition," "General Information," "Procedure," and "History" have been removed:

The original Proposal (see 1-97 on page three) did not include a definitions section, a general information section, or a procedures section. Proposal 5-03 incorrectly presents these as parts of the original proposal. They are really parts of the Procedures Manual. Likewise, the "history" section refers to the Procedures Manual history, not the Senate proposal history.

The Senate proposes and votes on policy. After new policies are approved by the President and the board, they are incorporated into the Procedures Manual and various Handbooks along with approved procedures, definitions and other explanations written by administrative staff. Revisions of this detail may later occur. These inclusions and revisions are administrative, and should not be addressed by the Senate except in case of obvious contradiction with approved policy.

2. Why there are revised descriptions in the main body:

The descriptions of Acts of Violence and Threats of Violence are based on legal definitions of battery and assault, respectively. This strong wording will remind everyone that such acts are almost always against the law in the State of Michigan. At the same time, the descriptions are broad enough to allow the administration flexibility in writing definitions and procedures.

The description of Harassing Behavior has been constructed from definitions provided in Michigan Penal Code Act 328 of 1931 Section 750.411h. The descriptions are not identical to code however, in that one further element must be proven before such behavior becomes a misdemeanor crime. In other words, some cases of Harassing Behavior at Michigan Tech will actually be equal to the criminal offence of Harassment, while others may not. This allows flexibility to cover a variety of hostile behaviors when implementing the policy in the Procedures Manual.

The legal terms "Assault," "Battery," and "Harassment" are not used in the policy, in conformance with the intent of the original proposal.

3. Why the title is changed:

The original title only encompassed what are normally considered to be crimes related to violence, involving an actual threat to public safety. By adding "harassing behavior" we can include non-violent types of behavior in the policy.

Waddell asked Gregg if he wanted to comment on the proposed amendments.

Gregg said he would respond to questions.

Keen thanked Waddell for the report and called for a motion to approve the proposal.

Senator Kelly Strong MOVED and Senator Scott Pollins seconded the motion to approve Proposal 5-03.

Keen opened the floor for discussion.

Senator Bahne Cornilsen said that the proposal that was circulated on September 13 included the definitions in the beginning.

Keen said that that proposal had been withdrawn by the committee.

Gregg said that the initial definitions were not included in the current proposal because although those definitions are part of Michigan Tech's Operating Procedures Manual, they were not part of the 1997 senate proposal. In amending the original proposal, the senate should work with the text of that proposal, not with additional, administrative text.

Senator Jim Moore said that paragraph one refers to "constitutionally protected freedom of speech" and paragraph three refers to "constitutionally protected activity." He asked if the first reference might be changed to "constitutionally protected freedoms."

Gregg said that the wording in paragraph three is from Michigan law addressing harassment. He said that the language in the first paragraph was included in the committee's September 13 proposal and that he had seen no reason to change this wording when offering his proposed revision. Keen said that the context of the first paragraph is expression and freedom of speech, whereas the context of the third paragraph is harassing behavior rather than speech.

Senator Susan Martin said that the first paragraph addresses policy, not behavior. Hence, the two paragraphs address different issues, and the language is appropriately different.

Keen asked Moore if this was satisfactory.

Moore said that it was.

Keen called for further discussion, There was none.

The motion to approve Proposal 5-03 PASSED on a voice vote with no dissent.

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

Keen said that this proposal had been developed by a taskforce of senators, students, and administrators and was forwarded to the senate in April. It was brought to the floor at the senate's May 8 meeting. At that meeting, Senator Don Beck proposed an amendment. That amendment was moved and seconded and is presented as Revised Proposal 22-02. Since senators wanted to refer both versions of Proposal 22-02 to their constituents, the matter was tabled. To put the matter back on the floor, there needs to be a motion to remove it from the table.

Senator Bill Gregg MOVED and Senator Don Beck seconded the motion to take Proposal 22-02 off the table. Motion PASSED on a voice vote with no dissent.

Keen said that the question is "Should the original Proposal 22-02 be replaced with Senator Don Beck's proposed revision?"

Senator Chris Williams said that she was concerned about the revised proposal, which lumps faculty, staff, and students together. She said that by virtue of tenure, faculty have an advantage over staff. The Tenured/Tenure-Track Faculty Handbook indicates that tenured faculty can only

be dismissed for "persistent and willful failure to follow established institutional procedures." She said that staff who violated a policy even once would swiftly be removed. Hence, a policy on consensual relationships that lumps faculty and staff together does not treat both groups equally.

Waddell asked Beck if his version of the proposal could be further revised to address Williams' concerns.

Beck said that he wasn't sure. He said that his point was that in the original proposal, faculty were singled out as the problem and that to be fair, the proposal should address relationships between any Michigan Tech employees or students where a power differential exists.

Williams said that she agreed with this.

Beck asked if Williams had any suggested replacement language.

Williams said that at this point, she did not. However, she said that the result of Beck's proposed revision could well be that staff could be terminated for one offense, whereas faculty would have to be shown to be "persistent and willful" offenders.

Beck said that the original proposal focuses on faculty and only in the third paragraph says that the same principles apply to staff-student relationships.

Keen said that last year, Provost Wary noted that there was nothing in the Faculty Handbook addressing faculty-student or junior faculty-senior faculty or faculty-staff sexual or romantic relationships. There had recently been several nationally publicized cases of faculty-student relationships that in one case led to a suicide and in another led to a multi-million dollar settlement. Hence, the provost asked the senate to address this, and the senate assembled the taskforce that produced Proposal 22-02, Policy on Consensual Relationships. This proposal was modeled on the University of Michigan's policy on consensual relationships because the University of Michigan and Michigan Tech use the same legal firm; hence, legal review of a policy modeled on the University of Michigan's policy should be expeditious. The policy proposed by Beck will probably require more extensive review.

Gregg said that the essence of both the original proposal and Beck's proposed revision is the necessity of disclosing such relationships. Neither proposal calls for punishment. He said that there is already considerable wording in the Tenured/Tenure-Track Faculty Handbook about such relationships. He said that paragraph two in both proposals is completely wrong. Paragraph two in the original proposal says, "the University considers romantic or sexual relationships between such faculty (including teaching assistants) and students, even mutually consenting ones, to be a basic violation of professional ethics and responsibility. (See 'Statement on Professional Ethics,' Faculty Handbook 3.1.6.)" Gregg said that the Statement of Professional Ethics in the Tenured/Tenure-Track Faculty Handbook includes no such passage. Michigan Tech does not consider falling in love to be a violation of professional ethics and responsibility. What the Handbook does say is "When a personal relationship that goes beyond that of intellectual guide and counselor exists between a faculty member and a student, it is the responsibility of the faculty member to take appropriate action to avoid any conflict, or apparent conflict, of interest between personal and professional concerns." Gregg said that what the senate needs to do now is to specify that the appropriate action is disclosure to the proper authorities so that the whole situation can be over seen.

Strong asked Keen if the administration intended this proposal to apply specifically to faculty

Keen said that this was the intention because faculty are the ones who wind up in court and in the headlines.

Gregg MOVED and Strong seconded the motion to strike paragraph two in revised Proposal 22-02.

Keen called for discussion.

Cornilsen asked if the first clause of the second paragraph might be retained.

Gregg said that that clause is redundant with information included in the first paragraph.

Senator Strong MOVED and Senator Larry Davis seconded the motion to call the question. The motion PASSED on a voice vote with no dissent.

The motion to strike paragraph two in revised Proposal 22-02 PASSED on a voice vote with no dissent.

Keen called for discussion on amended revised Proposal 22-02.

Pollins MOVED and Martin seconded the motion to return the proposal to committee for further deliberation.

Keen called for discussion on the motion.

Nordberg suggested that those who have concerns about the proposal get involved in the discussion before the proposal returns to the senate floor.

Keen said that he would encourage such participation.

Martin said that there might be something worth salvaging in the paragraph that was just deleted: it says that Michigan Tech takes a stand on this issue.

Gregg asked where this was indicated in paragraph two.

Martin said that paragraph two says that Michigan Tech considers such relationships to be a basic violation of professional ethics and responsibility.

Gregg said that that is not what the Statement on Professional Ethics says.

Martin said that this is an opportunity for the senate to make policy.

Gregg asked if policy should state that no one in these positions can fall in love.

Martin said that that's not what paragraph two says; it says that it is a violation of professional ethics and responsibility.

Gregg said that that is what we need to discuss.

Martin agreed.

Gregg said that the senate can change policy, but his point was that the statement referred to in paragraph two does not appear in the university's existing policy.

Martin agreed that it was improper to reference a nonexistent policy.

The motion to return the proposal to committee for further deliberation PASSED on a voice vote without dissent.

7. NEW BUSINESS

Proposal 6-03, 2003-2004 Academic Calendar [Appendix D]

Keen introduced Proposal 6-03, 2003-2003 Academic Calendar as new business and said that the senate would vote on this proposal at its next meeting.

Pickens asked if the proposed calendar had been sent to the senate by the administration or by the Senate Calendar Committee.

Keen said that it was sent to the senate by the administration, but that it had not been brought to the Board of Control in time to make any major revisions, such as striking a whole week.

Pickens said that during the 1999-2000 academic year, former Provost Fred Dobney extended Christmas break to three weeks in order to allow time for addressing any problems caused by the year 2000 computer bug. Since then, the Christmas break has not returned to the traditional two weeks.

Keen said that this could be addressed at the next senate meeting.

8. ADJOURNMENT

Senator Larry Sutter MOVED and Senator Tim Malette seconded the motion to adjourn. The meeting adjourned at 7:26 p.m.

Respectfully submitted by Craig Waddell
Secretary of the University Senate