

# THE UNIVERSITY SENATE OF MICHIGAN TECHNOLOGICAL UNIVERSITY

DRAFT of Minutes of Meeting 380

12 February 2003

## Synopsis: The Senate

1. heard that the administration approved Proposal 6-03, 2003-2004 Academic Calendar and Proposal 5-03, Amendment to Violent and Threatening Behavior in the Workplace Policy.
2. agreed to discontinue the liaison member of the Graduate Faculty Council.
3. elected Heidi Bostic and Barbara Lide to the Public Safety Oversight Committee.
4. heard a report on wireless technology.
5. approved Proposal 10-03, Amendment to Proposal 4-00, Policy on Half-Semester Courses.

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President Bob Keen called University Senate Meeting 380 to order at 5:34 p.m. on Wednesday, 12 February 2003, in Room B45 EERC.

### 1. ROLL CALL OF SENATORS

Secretary Craig Waddell called roll. Absent were At-large Senators Beck and Oberto and representatives from Army/Air Force ROTC, Chemical Engineering, Physics, Keweenaw Research Center, and Auxiliary Enterprises Liaisons in attendance were Karl Haapala (GSC), Alex Helmboldt (USG), and Becky Christianson (Staff Council).

### 2. RECOGNITION OF VISITORS

Visitors included Cheryl DePuydt (Physical Education), Kent Wray (Provost), Ted Soldan (Fine Arts), Alice Soldan (Biological Sciences), Ginny Schaller (United Way), Dan Adler (USG), Donna Cole, John Gagnon (University Relations) and Marcia Goodrich (*Tech Topics*).

### 3. APPROVAL OF AGENDA

Keen presented the agenda for meeting 380 and asked for amendments. There were none. Keen said that the agenda would be followed 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 said that the administration has approved Proposal 6-03, 2003-2004 Academic Calendar; and Proposal 5-03, Amendment to Threatening and Violent Behavior in the Workplace Policy. [**Appendices B and C**]

Keen said that Provost Wray has forwarded to the senate a proposal for a bachelor of science degree in software engineering. The proposal has been approved by the senate's Curricular Policy Committee and is under review by the senate's Finance Committee.

Keen said that some senators are not communicating senate business to their constituents in a timely fashion. He reminded senators that they should forward to their constituents email communications from the senate office.

Keen said that last year, the senate did not follow up on Proposal 14-02, Board of Control Policy for Financial Emergencies. [**See minutes, page 9476, for a copy of this proposal.**] He said that the senate had forwarded Proposal 14-02 to the administration; the administration approved the proposal and took it to the Board of Control. The Board tabled the proposal at its

December meeting, and approved the proposal in a revised form during its March meeting.  
**[Appendix D]**

Keen said that the established university procedures to which the policy refers are the two proposals that the senate worked for six years to produce and finally passed last year. These proposals have been accepted by the administration. [Senate Proposal 16-02, Procedures for Periods of Financial Stress; and Senate Proposal 15-02, Procedures for a Financial Crisis; available at the University Senate's Web site at

<http://www.sas.it.mtu.edu/usenate/propose/2001-02.html>.]

Keen said that the Conflict of Interest Policy will be reviewed by the Research Policy Committee next week.

The ad hoc Committee on Consensual Relationships met last week and prepared a draft proposal, which should soon be forwarded to the senate.

The fringe benefit rate recommendations for grants and contracts have been forwarded to the Office of Naval Research for approval. Questions on these university-wide rates should be addressed to Senator Tony Rogers.

Keen asked that committee chairs expedite work on proposals since there are only six senate meetings left in the 2002-2003 academic year.

Keen asked if there were any objections to changing the name of the Task Force on Intellectual Properties to the Task Force on Intellectual Properties and E-Learning, since "e-learning" is more encompassing than "distance learning." There were none. Keen read the following charge into the minutes:

"The Task Force should undertake a review of the university's current policy on copyright. That policy was crafted at a time before the advent of numerous technologies, applications, and processes that can be designated as e-learning. The current use of Web-based educational tools and distance learning and the conceivable broadening of technology have made the policy obsolete at best. Based on the review of the current copyright policy, especially as it pertains to e-learning, the Task Force should make recommendations to the Senate for amendment or replacement of that policy. This may be a difficult task, and the Task Force should feel free to consult with appropriate Senate committees or bring questions to the Senate floor for comment. The revisions of copyright policy that the Senate may approve will be forwarded to the administration for consideration and adoption."

Keen said that Carol MacLennan and Pauline Moore co-chair the Task Force, and other members include Craig Friedrich, Mick McKellar, and Ed Nadgorny.

Keen said that the Faculty Distinguished Service Award Committee needs two new members: one elected by the faculty, and the other elected by the senate. The senate is responsible for preparing and distributing ballots to the faculty. Keen asked senators to solicit candidates for these openings.

Keen called for questions on the president's report.

Senator Cindy Selfe said that she thought that it would be a mistake for the senate to let the new Board of Control policy on financial emergencies pass without commentary. She said that there should be significant consultation with the faculty about the university's budget situation and that the senate should be actively involved in this.

Keen asked Selfe if she had reviewed the two procedures on financial crisis and financial emergencies that the senate passed last year.

Selfe said that she had.

Keen said that these procedures require the university president to consult with the University Senate in considering any aspect of financial emergency; he said that the policy adopted by the Board of Control commits the university to these procedures. He asked Selfe where these procedures were lacking.

Selfe said that she was not in disagreement with the policy, but that faculty and staff she has talked with feel disheartened and powerless in the face of the current budgetary crisis. She said that it seems to her that the senate and the administration should realize this and that the senate needs to be thinking in productive ways about what it can and will do to keep things going positively. Otherwise, we will get to a point where it becomes an emergency more than it is, and we may have already passed that time. We need to all pull together and think proactively.

Keen asked if Selfe detected a flaw in the procedures for a financial emergency.

Selfe said that she never liked to see a policy that says that the president and the Board of Control will decide. She said that she thinks the president and the Board of Control in consultation with the faculty and staff should decide.

Senator Carol MacLennan asked Keen to clarify what was changed between Senate Proposal 14-02 and the policy adopted by the Board of Control.

Keen said that the following items included in Proposal 14-02 were excluded from the policy adopted by the Board of Control: (1) definitions of what constitutes a financial emergency; and (2) language that held the Board of Control responsible for managing the finances of the university. Keen said that this language had been inserted at the insistence of the university's attorney, but the Board of Control objected to it. Keen said that the third item excluded from the policy adopted by the Board of Control was the Board's instructions to the president to work with the senate to develop procedures for managing financial emergencies. Since these procedures have since been developed, this charge did not need to be included in the Board's policy statement.

Senator Dickie Selfe asked if the definitions of financial stress and financial crisis were included in the procedures statements.

Keen said that they were.

## **5. COMMITTEE REPORTS**

### **A. Task Force on Intellectual Properties and Distance Learning**

Keen said that he had already discussed this committee in his president's report.

### **B. Elections Committee**

Keen presented the results of the faculty referendum on Proposal 8-03, 14-Week Calendar: 396 ballots distributed; 331 ballots returned (84%, a record for returned ballots); YES votes, 268 (81% of returned ballots; 68% of eligible voters); NO votes, 63 (19% of returned ballots; 16% of eligible voters). Keen said that Proposal 8-03 would be forwarded to the administration for approval, and that the administration has already indicated support for a 14-week semester. He said that given these numbers, he would take the proposal to the Board of Control with a fair degree of confidence.

Keen said that Michigan Public Act 120 requires organizations that have a public safety or police department to have an oversight committee that would meet only if a grievance were filed against a public safety officer or public safety department. Michigan Tech's Public Safety Committee is chaired by Public Safety Director Jon Ahola. Nominees for membership on the committee are Heidi Bostic (Humanities), Vernon Dorweiler (SBE), and Barbara Lide (Humanities). Keen opened the floor for further nominations. There were none. Keen said that unless there were objections, nominations would be closed and ballots would be circulated. There were no objections. Keen instructed senators to vote for two of the three nominees.

Lide and Bostic were elected to the committee.

Keen said that the Academic Tenure Committee reviews tenure policy and appeals of tenure decisions. One member is elected by the faculty for a three-year term. Current members are Bogue Sandberg (Civil and Environmental Engineering), Sarah Green (Chemistry), Tom Snyder (Biological Sciences), and Tom Merz (School of Business and Economics). The nominees are Gary Campbell (School of Business and Economics) and Michele Miller (ME-EM). Keen said that the ballot would be mailed to the faculty. Keen opened the floor for further nominations. There were none. Keen said that unless there were objections, nominations would be closed. There were no objections.

C. Selfe asked how many spots were open on the committee.

Keen said that one spot was open.

D. Selfe said that Sandberg's term expires in August 2003; he asked when Sandberg would be replaced.

Keen said that positions on this committee that expire in the fall should be replaced during the previous spring, but that the senate has avoided doing this. He said that it was difficult to find nominees for this committee. It might be easier to do so in the future because the committee is developing proposals for revised tenure policies and procedures; these proposals are currently being reviewed by the university's attorney. These proposals, which must be voted on by the faculty, would relieve the Academic Tenure Committee of most of its current responsibilities.

Senator Bill Gregg asked if it would be possible to change the term of office on the Academic Tenure Committee to better fit the tenure process.

Keen said that the proposals would be brought to the senate for approval before they are returned to the Academic Tenure Committee. Once the Academic Tenure Committee receives these proposals from the senate, it cannot alter them. Hence, if the senate wants to modify the proposals before the faculty votes on them, it will have an opportunity to do so. Keen said that if the proposals are approved by the faculty, then the senate, not the Academic Tenure Committee, becomes responsible for changing tenure policy.

C. Selfe asked if it was possible to replace two positions on the Academic Tenure Committee now, since there are two candidates.

Keen said that that would be inconsistent with senate rules, but that he would encourage the unsuccessful candidate to run again when there is next an opening on this committee.

Keen said that since 1991, the senate has elected a liaison member of the Graduate Faculty Council but that this liaison has never reported back to the senate. He asked if there were any objections to discontinuing this position. There were none. Keen said that the position would be discontinued.

### **C. Report on Wireless Technology - Brenda Helminen, Director of Telecommunications Engineering, IT**

Keen said that this report was requested by the Senate Computer Committee.

Helminen said that as Director of Telecommunications Engineering, she is responsible for telephone systems, data networks, cable TV systems, and other communications technology. She said that she would talk about some of the academic and security implications of wireless technology.

For the past five years, Information Technology has had as a goal providing wireless Local Area Network (LAN) access in many of the public places on campus. This past summer, Telecommunications Engineering worked with Michigan Tech Auxiliary Enterprises to install wireless LAN equipment in several public areas on campus: the Memorial Union, the library, and many of the residence hall lounges. There are plans to install such access in the Rozsa Café area and in the Blue Room in the ROTC Building. The criteria for selecting these sites have been (1) that they are public (vs. academic) spaces) and (2) that they are places where people gather in large numbers. Since this is a charge-for service, attracting large numbers of users helps to keep the price down.

Helminen said that she has had numerous requests to make wireless LAN access available across campus, including in classrooms. She said that this was feasible, but that it raises a number of issues that need to be addressed. She referred the senate to Center for Teaching, Learning, and Faculty Development Director Bill Kennedy's article in the January 17 issue of *Tech Topics*. This article discusses many of the issues raised by the introduction of wireless technology to the classroom; for example, students can surf the Web and communicate with one another electronically during lectures and examinations.

Helminen said that one building or room could be wired piecemeal according to the desires and finances of various departments or administrative units. However, wireless technology needs to be considered more globally because, for example, anyone using a classroom with wireless LAN equipment should be aware of the equipment and its potential for abuse.

Helminen said that the design for the Center for Integrated Learning and Information Technology (CILIT) includes infrastructure for wireless LAN access. She said that the senate should address the issues raised by this technology. She said that as IT began installing the RoverNet service in the residence halls, the engineers found problems with wireless devices already on campus; she said that war-driving is the process of attempting to identify and attach to other people's wireless devices.

Helminen said that wireless technology is notoriously insecure and leaks information over the airwaves. She said that there are also problems with conflicts between wireless devices and other electronic devices; hence, the university should develop a policy for adjudicating such conflicts. In doing so, we can borrow from the experience of other schools that have already developed such policies. Helminen said that she is working with the Senate Computer Committee, the System Administration Council, and the Computer Advisory Committee on these issues.

Senator Mike Roggemann asked if the wireless LAN equipment used the code-division, multiple-access paradigm for security.

Helminen said that currently, the only way to secure a wireless transmission is to ignore all of the security that comes with that protocol and add another layer on top to encrypt that transmission.

Roggemann asked if transmissions from the computer to the wireless device were encrypted.

Helminen said that a wireless encryption protocol (WEP) is part of the wireless standard, but it's easily broken, and it slows the transmission.

Senator Deb Bruch asked if an instructor would be able to shut off a wireless LAN in a classroom.

Helminen said that it would be possible to shut off a wireless LAN in a particular classroom; however, wireless access could still leak in from a LAN in an adjacent room. She said that this is already a problem in the Walker Arts and Humanities Center, where wireless access leaks over from adjacent residence halls.

## **6. NEW BUSINESS**

### **A. Proposal 11-03, Applied Geophysics Minor [Appendix E]**

Keen said that this proposal is brought forward by the Senate Curriculum Committee. In its review, the Curriculum Committee elected a temporary chair because the current chair of the Curriculum Committee (Bill Gregg) helped develop Proposal 11-03.

Senator Dieter Adolphs said that the Curriculum Committee approved of the proposal. However, since the Department of Geological and Mining Engineering and Sciences already offers a major in applied geophysics, the committee recommends that students majoring in applied geophysics not be allowed to also minor in applied geophysics.

Keen said that he believed that it was against university policy for students majoring in a department to also take a minor in that department.

Waddell said that this was not correct. Curricula in some departments are sufficiently diverse that their minors and majors do not overlap.

Gregg said that last year, the Curricular Policy Committee agreed that there are two kinds of minors: interdepartmental minors and intradepartmental minors. He said that the Applied Geophysics minor would not be available for Applied Geophysics majors.

Keen asked for a report from the Senate Finance Committee on this proposal.

Senator Jim Pickens said that the co-chairs of the Senate Finance Committee (Larry Davis and Bruce Barna) were out of town and that the committee had not discussed this proposal.

Keen asked if the senate wished to consider this proposal in the absence of a report from the Senate Finance Committee.

C. Selfe said that the senate should consider the financial implications of any proposal.

Keen asked if the senate objected to attaching a deadline to the presentation of a report from the Finance Committee.

Selfe suggested that the report be presented at the next senate meeting.

Keen called for a vote on proceeding with deliberation of Proposal 11-03. The senate voted to suspend consideration of the proposal.

### **B. Proposal 10-03, Amendment to Proposal 4-00, Policy on Half-Semester Courses [Appendix F]**

Senate Curricular Policy Committee Chair Bill Gregg said that the committee has submitted an amendment to Proposal 4-00, Policy on Half-Semester Courses. The half-semester-course concept was developed in preparation for the transition from quarters to semesters. Most half-semester courses are Physical Education courses of .5 credits each. These are taught in 7.5

weeks. There are also non-Physical Education courses of 2 credits or less. There are no half-semester courses over two credits; hence, no three-credit courses have been compressed into half a semester. The amount of subject matter contained in these half-semester courses is not suitable for a full-semester course.

Gregg said that current, half-semester courses include the following: 11, two-credit courses in mathematics, materials, electrical engineering technology, and surveying; 66, .5-credit courses in physical education; 4, 1-credit courses in advanced first aid; and 2, .5-credit courses in ROTC.

Gregg said that Proposal 4-00 required a review after three years to see if the half-semester courses were working. If at the end of that period, the policy was not re-approved by the Senate, all half-semester courses would have been terminated.

In reviewing the half-semester courses, the Senate Curricular Policy Committee found no violations of the policy for the last three years and strong support for continuation from all deans and departments involved.

The Senate Curricular Policy Committee proposes the following changes in Michigan Tech's Policy on Half-Semester Courses:

1. Future "on track" courses should be included in the policy. These courses are designed for students who at midterm are failing a required, introductory course due to inadequate preparation. The on-track courses would allow such students to complete the semester in a half-semester, remedial course and, thus, remain on-track for completing their degrees.
2. Physical Education courses should be included in this policy.
3. Physical Education or "on-track" courses should be allowed to stand alone in the second half of the semester. Other half-semester courses must still be paired.
4. The annual review of all half-semester courses is unnecessary and should be eliminated.
5. The policy of eliminating half-semester courses after three years should be eliminated.
6. The "Procedures" section of Proposal 4-00 is redundant and should be eliminated.

Gregg called for questions.

Pickens asked whether two courses proposed in the School of Forest Resources and Environmental Sciences were covered by this policy. He said that students in both of the School's two majors, forestry and applied ecology, would take the first two-credit course, but only the forestry majors would take the second two-credit course.

Gregg said that this would be covered by Proposal 10-03.

Keen opened the floor for a motion to approve Proposal 10-03. Senator Erik Nordberg MOVED and Senator Mike Roggemann seconded the motion to approve Proposal 10-03.

Keen opened the floor for discussion and debate. There was none.

Proposal 10-03 PASSED on a voice vote of the academic departments without opposition.

### **C. Proposal 9-03, Recommendation on Copper Country United Way [Appendix G]**

Keen said that, following senate protocol, this proposal was forwarded to the senate officers by a senator. The proposal clearly falls on the senate's B-list of items to be considered by the

senate. If the officers had decided to reject the proposal, it could have been brought to the senate's attention by a ballot initiative, as described in the senate's constitution. Keen took the proposal to the Senate Executive Committee because the proposal did not fit under the senate's standing committees' charges. The Executive Committee decided that the proposal needed extensive rewriting and, hence, rewrote the proposal into its current form.

Keen said that Senator Larry Sutter had earlier sent an email message asking why the senate needed to vote on this proposal since it did not vote on the proposal for a 14-week semester prior to a referendum. Keen said that the mechanism for a referendum was put in place either to confirm or to deny a particular action by the senate. A referendum may be proposed by a majority of senators eligible to vote on a particular item, by a given number of constituents challenging or forcing the senate to consider a particular item, by the president of the university, or by the Board of Control. Keen said that he had mistakenly responded to Sutter's message by saying that the senate had to vote before a referendum was proposed. In fact, this is not the case. An issue has to be considered by the senate before a referendum is proposed, but it does not have to be voted on. That consideration would be by a motion to approve and a second for that motion.

Keen called for a motion to approve Proposal 9-03, Recommendation on Copper Country United Way.

Senator Dickie Selfe MOVED and Senator Cindy Selfe seconded the motion to approve Proposal 9-03.

Keen opened the floor for discussion.

Senator Chris Williams said that she had a lot to discuss and asked permission to read an email message from one of her constituents.

Keen granted permission.

Williams said that quite a few of her constituents had responded to this proposal and that she would like to read one of those responses because she had received a lot of subsequent responses agreeing with the response he was about to read. She said that this message was in response to the message sent by Ted Soldan in reference to the document he had sent to the Copper Country United Way Board last December. She read the following message into the record:

"To those who think they are tolerant.

I am increasingly disturbed with these type attacks. Yes, they are attacks; attacks against another group's way of thinking and beliefs. In this great country people have the right to assemble, right to worship the deity they choose, they have the right to freedom of discussion. Groups of like minded people form clubs and organizations. These clubs and organizations have goals and create a set of rules by which to follow and obtain those goals.

The Boys Scouts is just one of these clubs that has come under attack. There is no mandate that insists people join this club, there are no penalties if you \*choose\* not to join. However, if a person does \*choose\* to join they must accept the rules and code of conduct therein. It is ludicrous for a person or group of persons to expect the Boys Scouts to modify their 'oath' or 'Scout Law' to what is acceptable to them. To accept people into the Boys Scouts that do not want to follow the rules and code of conduct is also ludicrous. For the Boys Scouts, or any other club for that matter, to accept someone that has contrary views and does not want to follow the code of conduct etc., is tantamount to abdication of the current membership's views. Stop! Think



about this! If a group is pressured or forced to accept that which is contrary to their beliefs then that group has lost their freedom to assemble, discuss, and believe the way THEY want to.

Remember, Boys Scouts is not a club where membership is mandatory; if you don't like their rules and code of conduct then you don't join. There are hundreds, if not thousands, of clubs in America that also have rules and expectations that people must meet in order to join. Why, right here on campus we have clubs that are for certain genders only; the Women's Hockey Club. We have fraternities and sororities, ethnic and cultural clubs; all of which the university recognizes and promotes. I trust that if those who are against the Boys Scouts succeed in pressuring the United Way from providing funds then they will work just as diligently to stop university support of things like the Women's Hockey Club.

If you are of the opinion that the Boys Scouts must accept anyone who has interest in joining the program then you are aiding in the erosion of the club's right to assemble, hold discussions, and believe the way 'THEY' wish to believe.

I don't have any ties to the Boys Scouts or United Way, nor do I have a dislike of any of the thousands of private groups that exist in the U.S. I don't care if there are all female, male, black, white, Jewish, gay, or straight clubs. I am simply tired of the illogical diatribes yelled by a vocal minority."

Sincerely,

Shane A. Crist

Please see the following for a better understanding of what the Boys Scouts stand for and their position on controversial subjects.

<http://www.scouting.org/factsheets/02-503a.html>

<http://www.scouting.org/media/positions/unitedway.html>"

D. Selfe asked if Ted Soldan could be allowed to address the senate.

Keen asked if there were objections to Ted Soldan addressing the senate.

There were no objections. Keen said that T. Soldan could take the floor for a few minutes.

T. Soldan said he had been involved with the Boy Scouts for about 10 years until a few years ago, when he resigned. He was involved as an adult leader for many years, spending 1000-2000 hours volunteering for the Scouts. He resurrected and served as advisor to the local Explorer Sea Scouts post. He led several major Boy Scout expeditions. He has also been involved with the United Way on campus for about 16 years. For about 13 years, he was in charge of the United Way Campaign for Information Technologies, which is one of the largest United Way campaigns on campus. For the last three years, he has been in charge of the entire campus United Way campaign. He has also served on the Board of Directors of the Copper Country United Way for the past two years.

Soldan said that the email message Williams read was exactly right: both the Boy Scouts of America and the Copper Country United Way are wonderful organizations. However, there are some things about both organizations that senators and their constituents need to understand so that, collectively, we can make informed choices as contributing members to charitable organizations.

Soldan read the following excerpt from a Boy Scouts of America's (BSA) policy statement: "Membership in Scouting is open to all boys who meet basic requirements for membership and

who agree to live by the Scout Oath and Law. We believe that homosexual conduct is inconsistent with the requirements of the Scout Oath that a Scout be morally straight and the Scout Law that a Scout be clean in word and deed. Because of these beliefs, the BSA does not accept avowed homosexuals." Soldan said that this policy statement is not widely available; in order to get a copy, he had to request it from the council executive in Marquette.

Soldan said that when he first became a member of the Copper Country United Way Board, he established a committee of Board members to examine the issue of continued funding of the BSA. The committee met with BSA officials, both local and regional. Soldan said that he asked these officials what it means for a Scout to be morally straight and clean and what about being gay is not morally straight or clean. The response from the BSA council executive was that over half of all BSA troops are chartered by churches. Hence, churches have a say on what is moral and what is not. Soldan said that he agreed that churches should contribute to the discussion about what does and what does not constitute moral behavior. Soldan said, however, that he did not agree with the BSA council executive's further statement that aside from a few small groups, churches in the United States believe that it is immoral to be gay.

Soldan decided to find out how local clergy stand on this issue. He approached and was invited to speak to the Copper County Clergy Association. There were nine local clergy present at the meeting he attended. Soldan said that over the course of this meeting, it became clear to him that for these clergy, this issue was not as clear-cut as it was for the BSA.

Soldan said that the clergy at this meeting emphasized the distinction between status-based membership requirements and behavior-based membership requirements. They asked if the BSA policy would prohibit a gay but celibate clergy member from serving as a Scout leader. Soldan said that it would.

At the end of the meeting, Soldan asked the clergy to complete the following survey, presented here with results:

I am gathering data on the opinions of local clergy regarding the policy of the Boy Scouts of America (BSA) to deny membership to youth and adult avowed homosexuals. Please take a few moments to read and answer this questionnaire.

Background: The following is an excerpt from the BSA Position Statement: Avowed Homosexuals:

We believe that homosexual conduct is inconsistent with the requirements in the Scout Oath that a Scout be morally straight and in the Scout Law that a Scout be clean in word and deed.

Because of these beliefs, the BSA does not accept avowed homosexuals as members or as leaders, whether in volunteer or professional capacities. Our position is based upon our desire to provide role models which reflect Scouting's values and beliefs.

On a scale of 1-5 where 1 means Strongly Agree, and 5 means Strongly Disagree, please rank the following statements:

Agree-----Disagree

1. Based on the teachings of my religion, I agree with the BSA that it is immoral to be gay.

n=4 mean=5

2. I agree with the above stated policy for membership in the BSA for youth and adults.

n=5 mean=4.2

3. I feel that most members of my congregation support the BSA in this policy

n=5 mean=3.3

Soldan said that his committee included these data in its report to the Copper County United Way Board. The Board voted 15 to 3 to continue funding the BSA. Soldan then decided to present this case to the Michigan Tech community. He asked how much good an organization needs to do in order to balance out the bad that it does. He said the BSA has 400,000 youth members in the US and does much good; however, they discriminate against gays. The BSA recruits members at an age at which they do not yet understand their sexual orientation. BSA literature fails to explain to parents or to youth that as children grow, if they realize that they are gay, they are no longer eligible to be Scouts. If the BSA sees sexual orientation as such an important aspect of membership eligibility, why don't they publicize their policy on this? Soldan said that he believes that the BSA fails to do so out of fear of losing volunteers and members because they would no longer perceive the BSA as a mainstream organization.

Soldan asked if there were any questions.

Senator Mike Roggemann said that the BSA policy on homosexuality has been cleared through the Supreme Court.

Soldan agreed.

Roggemann said that as far as he knows, the BSA accepts no public funding.

Soldan asked if by public funding, Roggemann meant government funding.

Roggemann said he did.

Soldan said that this would be hard to say because the BSA National Jamboree is held on a military base.

Roggemann agreed, but asked if there was any additional government support.

Soldan said that he didn't know.

Roggemann said that the United Way is just an organization for funneling private donations into charitable causes.

Soldan agreed.

Roggemann said that the United Way fund drive gives individuals a chance to donate, and those individuals are free to not donate.

Soldan said that he knew of no one who had been coerced to donate.

Roggemann said that he and Soldan could probably each find objectionable policies and practices in the charities that the other might support. Roggemann said that, nevertheless, he donates to the United Way because they do a great preponderance of good.

Soldan agreed.

Roggemann said that given this preponderance of good, he doesn't mind if a few of his dollars fund things that he might not consider good, but that if he did, he would be free to stop donating to the United Way and give to specific charities instead.

Soldan agreed.

Keen said that he would take two or three more questions for Soldan, and the floor would then return to the senate.

Senator Erik Nordberg asked Soldan why the United Way enjoys the special relationship that it has with Michigan Tech, since other nongovernmental organizations lack this access to campus resources.

Soldan said that United Way access to workplaces is common in the region. They have campaigns at Shopko, WalMart, the public schools, and so on to support community-based charities where one umbrella organization collects contributions for many organizations. The board, which represents the community, decides how the collected funds should be distributed.

Senator Carol MacLennan asked if all local charities were represented by United Way.

Soldan said that they were not. He said that there is a lengthy application process for charitable organizations that wish to be affiliated with United Way. The board then decides whether the applicants meet United Way's membership criteria.

Senator Jim Pickens said that when he contributes to United Way, he always designates a specific organization to receive his contribution. He asked if such designations actually change the overall allocation of United Way's money.

Soldan referred the senate to copies of the 2002-2003 Copper Country United Way brochure, which he had distributed at the outset of his remarks. The inside of the brochure lists the 15 local charitable organizations that the Copper County United Way supports and indicates the amount of money each will receive from United Way. Soldan pointed out the following sentence on the back of the brochure: "Donor designations will be the first dollars applied to meet funding recommendations." He said that this means that if donors specified that they want their contributions to go to a specific organization, those contributions will be the first designated for the amount that the board determines that that organization will receive; these designated contributions will not be tacked on at the end of the allocation process.

Pickens said that since most contributions are non-designated, designated funds have no effect.

Soldan said that that was true for payroll deductions, but not for checks given to United Way and made out to a specific organization; the United Way gives this money to the designated organization over and above the amount that the board determines that that organization will receive.

Alice Soldan asked Ted Soldan to explain the brochure he had distributed "What We are Learning about Homophobia and Homosexuality," which was produced by the Michigan Tech Affirmative Programs Office.

T. Soldan referred the senate to MTU's Equal Opportunity Policy on the back panel of this brochure, which includes the following sentence: "In keeping with its responsibilities as an educational institution, Michigan Technological University is committed to a policy of affording equal opportunity to all of its employees, students, applicants for employment, and applicants for admission without regard to race, religion, color, national origin, age, sex, sexual orientation, height, weight, or marital status." Soldan referred the senate to the brochure's definition and discussion of homophobia; he said that by the definitions given, the BSA is a homophobic organization that discriminates against gay people. Soldan said that Michigan Tech needs to decide whether to continue funding an organization that is at odds with its own nondiscrimination policy. He said that there is a large segment of non-heterosexual people on

Michigan Tech's campus and that the Michigan Tech community should do anything that it can to make these people feel safer.

Senator Chris Williams asked if donors are currently able to specify that they do not want their United Way contributions to go to specific organizations.

Soldan said that they are not. He said that this year, one donor wrote a check to every United Way organization except the Boy Scouts, and that's currently the only way he knows of for accomplishing this purpose.

Alice Soldan said that the Copper Country United Way's nondiscrimination policy is at odds with Michigan Tech's nondiscrimination policy in that it doesn't mention sexual orientation. She said that the issue she would like to stress with the senate is not Michigan Tech versus the BSA. The BSA policy on gays has been approved by the Supreme Court. Hence, the issue is the conflict between the Copper Country United Way's nondiscrimination policy and Michigan Tech's nondiscrimination policy. She said that she has been a United Way contributor for as long as she has been at Michigan Tech and that she thinks that community giving is very important.

Keen called for further questions for Soldan. There were none. Keen called for questions on the motion to approve Proposal 9-03, Recommendation on Copper Country United Way.

D. Selfe asked if the Copper Country United Way could be set up so as to make designated gifts meaningful. He said that this would respond to most of his concerns even though it didn't address the issue of the discrepancy between Michigan Tech's nondiscrimination policy and the United Way's nondiscrimination policy.

Bruch said that if Michigan Tech severs its relationship with the Copper Country United Way, then not only the BSA but also a lot of other organizations would be hurt. She said that this would be unfair.

MacLennan read the following excerpt from an email message from Willie Melton, one of her constituents: "I have heard that there is a proposal that MTU continue its U.W. campaign, but with the condition that employees be allowed to direct their contributions toward 'organizations of choice.' That is, organization they prefer to support. From the view of U.W. this could be a disaster, because some local agencies are better positioned to catch the public's attention than others. I feel that MTU should inform the local U.W. that it will cease its coordination of U.W. solicitations until the U.W. Board puts in place a plan that allows MTU employees the option of directing their donation away from support of local scouting. People could choose, with a checkoff, which agencies should be supported with their donation. MTU employees could still be solicited by U.W. at their homes and not have to accommodate this demand. "

Senator Dana Johnson said that she too had received comments from her constituents who were concerned about the impact of this proposal on the local economy, which is already depressed, and especially on the people who rely on the services of the United Way's 15 constituent organizations. She said that many of these organizations lack the staff to solicit donations on their own. She said that without United Way's campus solicitations, some people wouldn't think about giving.

Senator Steve Seidel said that there is a short-term concern about loss of giving to United Way and that Proposal 9-03 is an overly drastic, short-term measure that's really trying to solve a long-term problem. He asked Soldan if he believed that the United Way board could, over a reasonable period of time, respond in a satisfactory way if they knew that Michigan Tech was concerned about this issue.

Soldan asked if he could answer.

Keen said that he could.

Soldan said that Copper Country United Way Board President Ginny Schaller was present. He asked her to respond to Seidel's question.

Keen asked Schaller if she would respond.

Schaller said that she couldn't speak for the whole board. She said that board has to consider a wide disparity in viewpoints in distributing the money it collects. She said that the United Way is not set up to be the moral compass of the community. They are merely a vehicle to collect money and disperse it to agencies, many of which are ill equipped to collect funds themselves. Two years ago, the Copper Country United Way polled its organizations to see if they wanted to shift to individual fundraising. None of them did. The smaller organizations could not make up the lost funds.

Schaller said that a little over 25% of the funds raise each year by Copper Country United Way comes from the Michigan Tech campaign. They couldn't ignore Michigan Tech severing its relationship with United Way, but she couldn't say how the board would respond. However, the people who would be hurt would not be the United Way, the BSA, the Red Cross, Big Brothers-Big Sisters, or the Salvation Army. The people who would be hurt would be the people these organizations serve. Schaller said that she works at the Michigan Tech Fund and that people in the Michigan Tech community are doing relatively well when compared to many of our neighbors in the larger community.

Schaller said that the board voted to continue funding the Boy Scouts based on the overall good that the Scouts do. She said that that does not mean that all board members agree with the BSA policy on homosexuals. The board doesn't believe that cutting off funding to the local Scouts would have any effect on the national BSA. She did write a letter on behalf of the board to the national BSA letting them know that the board was watching this issue closely. She said that she knows that the CCUW has lost some contributions because of their continued funding of Scouting. She said that she also knows that some contributors would cease donating to the United Way if the agency cut the Boy Scouts from its ranks.

Seidel said that he does not recommend that the United Way serve as a moral compass, but that the United Way allow its donors to exercise their own moral compasses in a meaningful way. He said that he agrees that the United Way plays a valuable role in funding less-well-known charities and that it was important that they continue to do so. He asked, however, if the agency might develop a pragmatic means of allowing donors to meaningfully specify where their contributions would or would not go if they should choose to do so.

Schaller said that the Copper Country United Way has just formed a committee to study how funds are allocated. In the past, the CCUW has developed recommended funding goals, which are printed in their annual brochures. Fulfilling these goals depends on campaign outcomes; they cannot distribute funds that they have not raised. Schaller said that most United Ways have converted to a post-campaign allocation process, which is what CCUW is considering now. That would mean that no group funding amounts would be listed in the annual brochures. After the campaign, all designated donations would be assigned to the designated agencies. The only money that the board would vote on would be the undesignated contributions. Schaller said that this could become an administrative burden.

Waddell said that Willie Melton's proposal, which had been read earlier by MacLennan, suggests that Michigan Tech stop coordinating United Way solicitations until the United Way Board implements a plan that allows Michigan Tech employees to direct their contributions made via payroll deduction away from specific organizations. Waddell asked if this proposal might be modified to allow the Copper Country United Way one year or some other reasonable

period of time to develop such a process. He said that this situation was comparable to the situation with Red Cross after the September 11 terrorists attacks when donors were led to believe that their contributions would go directly to the victims of the attack and their families when, in fact, much of the money raised was going into the Red Cross's general fund.

Schaller agreed but said that the less-well-know agencies could wind up being underfunded.

Waddell asked if it would then be possible for donors who wished to do so to specify agencies that they did not want to receive their contributions and for undesignated funds to be distributed as before.

Ted Soldan said that he supported everything Schaller said except that the Copper Country United Way Board does not set the moral compass for the community. He said that the job of the CCUW Board is to ensure that the agencies that it supports have a nondiscriminatory policy. He said that if a neo-Nazi group came into this community and asked the United Way for support in setting up a youth group, the CCUW Board would deny this request on moral grounds.

C. Selfe said that she was not concerned with the Boy Scouts but with how a public university with a nondiscriminatory policy can use public funds to support an organization that discriminates.

Gregg said that Michigan Tech is a state institution, chartered by the state. He asked if it was proper for a government unit to pass funds between private parties. He said that the federal government has gotten away from this.

Roggemann said that the federal government has a campaign called the Combined Federal Campaign that is similar to the United Way Campaign in terms of payroll deductions being transferred to private charities.

Gregg said that in Michigan, state employees were formerly able to designate direct giving, but now that has been stopped because state employees now give once under the SECC [State Employees Combined Campaign] plan and must give to an umbrella organization rather than to a specific charity. He said that this was a monopoly.

Roggemann said that people could still choose to donate to their favorite charities apart from this program.

Gregg said that what was at issue was not whether Michigan Tech employees would continue to contribute to the United Way, but whether they would do so through a fund drive at Michigan Tech. He asked if there was a legal basis for such fund raising.

Senator Beth Wagner said that even if it doesn't matter to the national organizations, someone has to stand up and make a point. That has to start somewhere, so why not at Michigan Tech.

Senator Larry Sutter asked how the United Way campaign squares with Michigan Tech's Conflict of Interest Policy. He said that although there is no direct coercion, there must be situations where there is a supervisor who is a United Way representative and, hence, is soliciting contributions from subordinates.

Nordberg said that when he solicited comments on Proposal 9-03 from his constituents, he received no responses about the BSA. The responses were all about how the United Way was allowed to raise funds at Michigan Tech.

Keen said that this point came up when the original proposal was considered by the Senate Executive Committee, and, hence, the proposal was rewritten to remove any reference to the BSA.

Senator Jim Pickens said that he would like to call the question because there were only two minutes left for a vote.

Keen said that there was a motion to terminate debate and vote on the motion before the senate.

Senator Dave Hand seconded the motion.

Keen said that the motion was not debatable and required a two-thirds majority to pass. A voice vote was taken with ambiguous results. Hence, Keen called for a hand vote. The vote PASSED 21 to 4.

Ballots were circulated.

Vice President Christianson said that she would like to confer on this issue with her constituents.

Keen said that Christianson could make a motion.

Pickens said that the issue should go to the senate's constituents. He asked if it would be appropriate to make a motion that, regardless of the result of the vote, the issue would be sent to the senate's constituents.

Keen said that the issue could be referred to the senate's constituents if such a motion were made prior to the vote.

Pickens MOVED and multiple senators seconded the motion to refer approval of Proposal 9-03 to the senate's constituents.

Keen called for discussion on the motion.

Senator Cindy Selfe said that she was not opposed to sending the issue out for a referendum, but that the senate needs to lead.

Christianson said that she had heard from several senate constituents who were not her own constituents who had not received any communication from their senator about this proposal. She said that it was unfair for the senate to vote on this proposal without having feedback from constituents.

Senator Debra Bruch said that she agreed with C. Selfe because the senators have listened to the debate and, hence, are better informed on the proposal than their constituents.

C. Selfe said that the senate had already voted to vote on the proposal.

Senator Roggemann agreed.

Waddell MOVED that the senate table discussion until the next meeting.

Keen said that this was a non-debatable motion.

Selfe asked if this meant that the senate would complete the vote.



Keen said that by *Robert's Rules of Order*, a motion to table or to adjourn takes precedence over an ongoing vote.

Senator Steve Seidel seconded the motion to table discussion.

## **7. ADJOURNMENT**

Senator ? MOVED and Senator ? seconded the motion to adjourn. The meeting adjourned at 7:35 p.m.

Respectfully submitted by Craig Waddell  
Secretary of the University Senate