Synopsis:

(1) Senate President Robert Keen reported that Chief Financial Officer Dan Greenlee's presentation on recent salary reductions is delayed until the next Senate meeting, gave a presentation on the selection and alteration of Board of Control membership, and noted that a budget consultant was on campus, with whom the Senate officers and Co-Chairs of the Senate Finance Committee will meet.


(4) The Senate began discussion of Proposal 6-04, Wireless Lan Strategy and Policies, which will be considered for action at the next Senate meeting.

President Robert Keen called University Senate Meeting 400 to order at 5:38 p.m. on Wednesday, 11 February 2004, in Room B45 EERC.

1. ROLL CALL OF SENATORS
Secretary Terry Monson called roll. Absent were representatives from Army/Air Force ROTC, Humanities, ME-EM, Physics, the Keweenaw Research Center, Auxiliary Enterprises, Finance and Advancement, and Student Affairs and Educational Opportunity. Liaisons in attendance were Brandon Richards (USG) and Becky Christianson (Staff Council).

2. RECOGNITION OF VISITORS
Visitors included Bruce Seely (Social Sciences), James Moore (School of Forest Resources and Environmental Science), Shane Godmere (IT), Faith Morrison (Chemical Engineering), Neil Hutzler (Civil and Environmental Engineering), Max Seel (College of Sciences and Arts), Patrick Martin (Social Sciences), Marcia Goodrich (Tech Topics), Kent Wray (Provost), and Ryan Olson (Daily Mining Gazette).

3. APPROVAL OF AGENDA
President Keen presented the agenda and asked for modifications or additions. There were no modifications or additions and there were no objections to the agenda. [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 399
Keen presented the minutes from Meeting 399 and asked if there were any additions or corrections to these minutes. Senator Becky Christianson noted minor changes on pages 10563 and 10565, which will be corrected. With no objections, these minutes were approved as corrected.
5. PRESIDENT'S REPORT
A. President Keen reported that Chief Financial Officer Dan Greenlee's presentation on the recent salary reductions is delayed until the next Senate meeting.

B. President Keen gave a presentation on how Board of Control members are selected and what can be done to alter the Board's composition. Article VIII, Section 6 of the Constitution of the State of Michigan gives authority for the establishment of boards of control at Michigan public universities and outlines board responsibilities, including "general supervision" of universities and "control and direction of all expenditures from university funds." The Governor appoints members for 8 year terms with the advice and consent of the Senate. Boards consist of eight members of whom not more than two shall expire in the same year. Keen thanked Ryan Olson of the Daily Mining Gazette who had informed him that one can apply for membership on a State appointive board on the Governor's website.

With reference to removal of board members, he expressed his indebtedness to Senator Susan Martin who pursued this issue with Senator Prusi and learned that Article V, paragraph 10, section 10 of the State Constitution addresses this issue. This Article gives the Governor power to "remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or for any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial." President Keen then suggested that Governors would face three problems in removing board of control members: (1) the Michigan Supreme Court has ruled that they are almost at the rank of members of the legislative and judicial branches; (2) Governors may be unwilling to remove board of control members, since future Governors may be tempted to remove appointees of previous Governors; and (3) the State would likely need to prove that there was gross neglect of duty, misfeasance, or malfeasance since an affected board member would likely contest a governor's actions to remove him/her.

C. President Keen reported that there is a budget consultant on campus (Nathan Dickmeyer of Dickmeyer Consulting) and that the Senate officers and the Senate Finance Committee Co-Chairs will meet with him on Friday, February 13. This consultant comes highly recommended by the National Association of College and University Budget Officers.

D. President Keen asked that the 2 February 2004 Report of the Internal Auditor (Fiscal Year 2004 Tuition & Fees Revenue Budget Calculation Review) be entered as an appendix to the minutes of meeting 400. [Appendix B]

Senator Marilyn Cooper requested clarification of the terms misfeasance and malfeasance. President Keen indicated that misfeasance is a lawful action carried out illegally and malfeasance is performance of an act that is contrary to law.

6. UNFINISHED BUSINESS
A. Proposal 14-04, A Senate Statement on MTU's Financial Status [Appendix C]
President Keen reported that the Senate Executive Committee met and considered Proposal 14-04 as well as a draft letter to the Daily Mining Gazette that had been circulating among Executive Committee members for the past month. The Committee recommended tabling of Proposal 14-04 indefinitely and substituting the draft letter as a Senate Statement on the December 2003 Referendum.

Motion to table Proposal 14-04 indefinitely: Senator Monson MOVED (Senator David Hand support) that the Senate table Proposal 14-04 indefinitely. The motion carried with no objections.

President Keen explained that the Senate Statement on the December 2003 Referendum was unusual and that he felt it was important for the Senate to state for the record why it called the
Motion to approve the Senate Statement on the December 2003 Referendum [Appendix D]: Senator Cooper MOVED (Senator Ted Soldan support) to approve the Senate Statement on the December 2003 Referendum and commented that the Statement should be as accurate as possible. President Keen agreed that it should have no errors of fact. He went on to note that the second paragraph of the Statement cites two Daily Mining Gazette editorials, one of which included a statement to the effect that "the Senate wanted President Tompkins out." He indicated that, in his opinion, it was not clear that the Senate Executive Committee agreed with the Gazette's assertion.

Senator Erik Nordberg warned of the danger of trying to wordsmith the Statement. Senator Cooper agreed, stating that her constituents want the Senate to do something soon.

Senator Bahne Cornilsen asked for clarification: Does the Statement replace Proposal 14-04 and is the Statement a 'Sense of the Senate.' President Keen replied that the now indefinitely tabled Proposal 14-04 was a Sense of the Senate and that it had not been sent to the media or to the Administration for reasons he described in the last Senate meeting (number 399). Further, he stated that the difference between Proposal 14-04 and this Statement is that the latter is more a formal statement than a Sense of the Senate and that it carried more weight because of its extensive review and revision by many Senate Executive Committee members. Senses of the Senate are not usually worked on for a lengthy period. Senator Cornilsen then asked if this Statement should become a Senate proposal. President Keen answered that a proposal generally asks the Administration to do something, e.g., modify a policy. Since this Statement requests no action, the Executive Committee felt it should be a Senate Statement. Senator Cornilsen then asked if this Statement was a statement to the Board of Control. President Keen replied that it was a Senate statement explaining why the Senate called for the December referendum.

Senator Tony Rogers inquired about the Sense of the Senate passed during Senate meeting 398. Could it be communicated in writing to the Board of Control? President Keen responded that the Senate could ask for it to be communicated to the Board of Control; however, it cannot be a formal communication to the Board since formal communications need to originate from the Board of Control officer. Other than that, it has only publicity value.

Motion to Amend Previous Motion to Include the Results of the Vote: Senator Debra Bruch asked for a secret ballot on this Statement and then MOVED (Senator Ron Roblee support) to amend the previous motion (to approve the Statement) so that the Statement would include the results of the vote. Senator Soldan asked if the vote tally would be placed in the preamble or elsewhere in the Statement. President Keen indicated that it would be placed at the end of the Statement. This motion was approved.

Motion Concerning Dissemination of the Senate Statement: Senator Ron Roblee asked if the Executive Committee's intention was to send the Statement to the Daily Mining Gazette. President Keen indicated that the original thought was to send a letter similar to this Statement to the Daily Mining Gazette, but that the Senate Executive Committee thought it better to issue a Senate Statement. Roblee asked, if the motion to approve the Statement passed, would it only be published in the Senate minutes. President Keen responded that it can be included as part of the on-line minutes as an appendix on the Senate website. Senator Roblee inquired if that was the only place where people could read the Statement. President Keen indicated that the Senate needed to determine how the Statement would be disseminated. Senator Roblee then MOVED (Senator Tony Rogers support) to submit the Statement to the Daily Mining Gazette and the MTU Lode, to include it in the on-line Senate minutes, and to informally submit it to the Board of Control. Senator Jim Pickens introduced a friendly amendment to have the
Statement also sent informally to the administration. Senator Roblee agreed with the friendly amendment. The Senate approved this motion.

**Provost Wray’s Comments:** President Keen then asked Provost W. Kent Wray to comment on the factuality of the Statement. His comments focused on the third to last paragraph. On item (1), he thought that some units on campus thought the restructuring plan was not flawed and that it was meant to be a point of departure for further discussion rather than to be applied as presented. Further, he supposed that anything new could be termed a "surprise" and that there were a number of academic units who thought the plan was appropriate. He thought that the term "flawed" was in the eye of the beholder and would like it deleted. On item (2), he noted that the football program was restored when supporters made it known that they were willing to fund the program. On item (3), he indicated that President Tompkins provided him with communication from the Provost of Penn State that allowed him to use the Penn State Provost's letter; however, President Tompkins failed to acknowledge that such approval was granted. On item (4), he commented that he did not know of any plan to disband the School of Technology. On item (5), he thought that the Senate should consider its wording since President Tompkins' statement was made on information available at the time.

**Motion to Add 'Staff' to the First Sentence of the Third Paragraph:** Senator Susan Martin MOVED (Senator Martha Sloan support) to add the word 'staff' to the parenthesis in the first sentence of the third paragraph. The motion was approved without objection.

Senator Cooper commented on Provost Wray's comments on the third to last paragraph. She thought that the Provost would clarify facts; the third to last paragraph gave observations, with which her constituents seemed to agree.

**Motion to Delete Items (1) - (4) from the Third to Last Paragraph:** Senator William Gregg agreed with the Provost on item (1). He interpreted the re-organization plan as a trial balloon to encourage discussion. As such, he was not surprised nor did he consider the plan as flawed. He also agreed with the Provost on item (2) and thought that the Provost's explanation of item (3) was correct. With regard to item (4), the merger of the School of Technology with the College of Engineering was discussed at a low level; further, the merger would not disband the School of Technology, but rather incorporate it into the College of Engineering. He then MOVED (Senator Joan Polzien support) to delete items (1) - (4).

Senator Don Beck stated that he was surprised with the reorganization plan. If academic programs had been consulted prior to its announcement, then there would have been no surprise and item (1) would be incorrect. Without prior consultation, then it was a surprise.

With reference to item (3), Senator Cooper indicated that she had looked at the letter closely in one of her classes and thought that it was not at all clear that the letter had been written by someone else. Further, she found the letter to be difficult to defend to her students and thought that the President did not handle it very well. He should have been more careful with its presentation; the circumstances suggested that it was acceptable for a university president to write a letter without proper citation.

Senator Cornilsen noted that the elimination of the School of Technology was based upon a recommendation from the College of Engineering. The first time that the Administration mentioned the elimination was in the restructuring plan, probably because it was a current topic of discussion. He did not believe that either the President or the Provost caused this problem.

Senator John Pilling asked if there were any General Fund monies spent on the football program this past fall. Provost Wray responded that his understanding of President Tompkins' agreement was that coaches' salaries would be paid until December 31, 2003. Senator Pilling then concluded that their salaries were paid from the General Fund. President Keen said he did
not know for certain and asked if anyone knew if the coaches’ salaries were paid until December 31. Senate visitor Ryan Olson (Daily Mining Gazette) asked if Coach Bernie Anderson was to be retained regardless of the outcome of the football situation. President Keen responded that it was his understanding that Anderson would be retained. Senator Pilling then suggested that item (2) be kept in the Statement.

Senator Beck asked if the School of Technology merger was presented to the Board of Control, did the Dean of the College of Engineering suggest the merger, and did the Provost, President, and Board of Control need to approve the merger. President Keen indicated that the Dean of the College of Engineering submitted the merger proposal, that it did not reach the presidential level, and that it was referred to an independent committee, which Senator Monson chaired. Senator Monson noted that the committee did not recommend merger of the School of Technology with the College of Engineering, but did recommend elimination of the Forest Technology and Chemical Engineering Technology programs. Provost Wray indicated that he had informed President Tompkins of the committee’s recommendations.

Motion to Strike 'flawed' from Item (1): Senator Christine Williams MOVED (Senator Cooper support) to strike the word "flawed" in item (1). The motion was approved.

Motion to Vote on Each Item Individually: Senator Soldan MOVED (Senator Cooper support) to vote on each item individually. Senator Gregg suggested that the Senate should call the motion to delete items (1) - (4). Senator Martha Sloan noted that, according to Roberts' Rules of Order, if Soldan's motion were defeated, then the Senate could not revote the same motion again. President Keen observed that Soldan's motion was subsidiary to Gregg's motion. Senator Gregg proposed that the Senate should vote down Soldan's motion then consider Gregg's motion to delete items (1) - (4).

Motion to Table Previous Motion (Vote on Each Item Individually): As an alternative approach, Senator Gregg MOVED (Senator Anil Jambekar support) to table Soldan's motion temporarily and dispense with the main motion to delete items (1) - (4). This motion was approved.

The Senate then returned to discussion of the motion to delete items (1) - (4). Senator Sloan called for a secret ballot. Senator Debra Bruch asked for clarification: if this motion is approved, can the motion to vote on each item individually be brought from the table. President Keen indicated that it could. President Keen brought the motion to delete all four items to a vote. A secret ballot was held with 19 no votes, 7 yes votes, and 1 spoiled ballot. The motion was defeated.

Motion to Bring the Motion to Vote on Each Item Individually Off the Table: Senator Gregg MOVED (Senator Cooper support) to bring Soldan's motion off the table. Senator Bruch called the question (Senator John Pilling support), i.e., to terminate discussion of this motion. The Senate approved calling the question. The Senate then considered the motion to vote on each item individually. The motion was approved.

Motion to Delete Item (1): Senator Gregg MOVED (Senator Polzien support) to delete item (1) in the third to last paragraph. Senator Sloan called for a secret ballot. Senator Gregg indicated that he would not introduce new motions on the remaining items if this motion failed. This motion was defeated (20 no and 7 yes).

Motion to Defer Further Discussion to the Next Meeting: Senator Bruch MOVED (Senator Tim Malette support) to defer further consideration of the Statement to the next meeting. The motion was defeated in a voice vote.
Motion to Delete Item (4): Senator Monson MOVED (Senator Roblee support) to delete item (4). Senator Erik Nordberg observed that there has been and still is confusion over the status of the School of Technology. Senator Roblee agreed, but suggested that the source of confusion was the College of Engineering and not the Administration, perhaps caused by the lack of a strong statement from the Administration on the status of the School of Technology. A secret ballot was held and the motion carried (14 yes and 13 no). Item (4) is stricken from the Statement.

The Senate then returned to the main motion (to approve the Senate Statement) with amendments as described above and with the vote tally noted at the end of the Statement. In a secret ballot, the motion carried (21 yes, 6 no).

7. NEW BUSINESS
Senate Finance Committee Co-Chair Pickens indicated that his Committee had reviewed the Proposal and found no adverse financial impacts. These programs are spin-offs from the existing Master of Engineering program. Senate Curricular Policy Chair Gregg indicated that his Committee had reviewed and supported this Proposal. He noted that, according to American Society of Environmental Engineers' data, almost 90% of MTU's engineering masters' degree students wrote MS theses, while at peer programs nationwide, the average is less than 50%. Consequently, he felt that there may be an enrollment 'kick' as students not interested in advanced research may opt for these Master of Engineering programs. He also noted that students in these programs are not eligible for graduate support.

Senator Roblee MOVED (Senator Jambekar support) to approve Proposal 15-04. Senator Soldan questioned the prohibition against graduate student support. Senate Visitor Neil Hutzler (Civil and Environmental Engineering) responded that, based upon Senate Proposal 5-98, no Master of Engineering students receive support. The program is full-time and students are expected to complete it in one year. The motion was approved (academic senators only).

B. Proposal 16-04, PhD Program in Industrial Heritage and Archeology [Appendix F]
Senator Pickens reported that the Senate Finance Committee was favorably impressed by the quality of the Proposal and that he would ask Provost Wray about its resource needs and Senate Visitor Bruce Seely (Chair of the Social Sciences Department) about Social Sciences' track record in bringing in graduate student funding and about the progress of remodeling described in the Proposal. Senator Gregg reported that the Senate Curricular Policy Committee recommended approval of the Proposal, especially since Social Sciences has assembled a unique group of faculty members to develop a PhD program of this nature. The Committee had one question on admissions to the program, which Pat Martin (Associate Professor, Social Sciences) addressed. Senator Nordberg MOVED (Senator Bruch support) to approve Proposal 16-04.

President Keen asked Bruce Seely to respond to questions raised by the Senate Finance Committee. Seely noted that the program will be housed in second floor of the Annex to the Academic Office Building, which currently is occupied by the Michigan Department of Public Health's Water Quality Lab. The lab is expected to move at the end of the first year, which will allow remodeling to begin, but some space could be used without remodeling. The Michigan Tech Fund is charged with raising funds for this effort, but, to his disappointment, has made little progress. He also suggested that MTU's remodeling estimates are likely to be less than actual costs.

With respect to funding, Seely commented that this program originates from the current masters degree program in industrial archeology, which has been successful in developing funding sources. He expects that this program will receive a $100,000 annual grant over three years
($300,000 total) from the National Science Foundation Small Grants for Training and Research Program. This grant will be used for start-up funding to support students and a post-doctoral fellow. However, proposals for these small grants can only be written if the program is approved. He noted that the department is working with the Michigan Tech Fund to identify other foundation support. Other sources of funding may be the West Point Foundry Project, the Svalbaard Project in the Norwegian Arctic (which also has NSF small grant support for MTU and is expected to be a precursor to a longer term project with longer term funding), some soft money for one year teaching positions for PhD students and NSF dissertation improvement grants.

He continued with a description of the current program's success, including 52 students who have enrolled in the program, of which 35 have graduated; 31 (60%) were fully supported and 41 (79%) were partially or fully supported in their second years, mainly from efforts of Professors Patrick and Susan Martin, who have generated over $1 million of research support, most of which is for graduate students, since 1978. He noted that the percentage of all externally supported Social Sciences MS students (24%) is about equal to the average for all MTU MS students, which is exceptional, given that external research funding in history and archeology is less likely to support graduate students than external research funding in other academic areas. He also indicated that the SS department has a very high student credit hour production per faculty member, perhaps the highest at MTU, that he was aware of the financial issues related to this request in light of the current state of University finances, and that, if funding is not forthcoming, then the SS department will not proceed with the program.

Senate Visitor Max Seel (Dean of the College of Sciences and Arts) said that he has committed two GTAs for the program, but is not 100% certain that he will be able to fund new faculty lines, and commended the SS department's progress over the past 10-15 years. Despite very large student credit hour generation, its research and scholarship have increased and its faculty has become well-known in their professions. As an example, he cited Pat Martin's efforts to relocate the headquarters for the Society for Industrial Archeology to MTU from the Smithsonian Institution.

Senator David Hand queried the need for $236,000 cited in the Proposal. Seely indicated that need was over three years. Hand asked if the program could function without the $236,000. Seely responded that it could, as long as it had two lines for graduate student support that Dean Seel and Dean of the Graduate School Bruce Rafert had committed. Provost Wray then offered his pledge to support a faculty member in the third year, finances permitting.

The motion was approved (academic senators only).

C. Proposal 17-04, Minor in Polymer Science and Engineering [Appendix G]
Senate Finance Committee Co-Chair Pickens gave a positive report on this Proposal, noting that this minor was an opportunity for students to gain further specialization and that it contained no new courses and no requests for new faculty. Senate Curricular Policy Committee Chair Gregg also gave a positive report, but was unhappy that this Proposal was sent to the Senate without going first to the Administration. This procedure caused extra work for the Committee and he suggested that minors go to the Administration prior to being sent to the Senate. He had to solicit letters of support from the Departments of Biomedical Engineering, Chemistry, Chemical Engineering, and Deans of the College of Engineering and the School of Forest Resources and Environmental Science, all of which should have been attached to the original Proposal. He also noted that it is important to list target audiences for minors of this nature and to identify prerequisites. Senator Jambekar MOVED (Senator Cornilsen support) to approve this Proposal. Keen noted that the records should identify the home department as the Department of Chemical Engineering. The motion was approved (academic senators only).
D. Proposal 18-04, Senate Request for Financial Expertise by New Board of Control Appointee [Appendix H]

President Keen commented that the Senate Finance Committee raised this issue because there is now one open seat on the Board of Control. In conversations with the Provost, he learned that the Administration has asked the Board of Control to request that the Governor appoint someone with financial expertise. Senate Finance Committee Co-Chair Pickens mentioned that this Proposal is based upon a statement from the National Association of College and University Business Officers. President Keen commented that, if this Proposal is approved, it will be a positive Senate action with a goal of having at least one Board of Control member with some skill in financial accounting. Senator Cooper MOVED (Senator Bruch support) to approve this Proposal. The motion was approved.

E. Proposal 6-04, Wireless Lan Strategy and Policies [Appendix I]

President Keen reminded Senators of this Proposal's history. It was introduced last fall by the Senate Computer Committee, which then asked that it be withdrawn for further consideration. It has now been returned to the Senate for its consideration. He asked Senators to collect input on this Proposal from their constituents for the next Senate meeting, and then opened the floor for comments.

Senator Beck noted that, since the General Fund, which has its current problems, will be asked to finance this Proposal, the Senate should be aware of the exact amount in order for it to rationally discuss the Proposal.

Senator John Pilling, Chair of the Senate Computer Committee, commented that the main issue is the rapid *ad hoc* implementation of wireless technology across campus, which has led to severe problems of interference and a need to develop an overall policy that departments and units can use to avoid future problems. Further, the Committee recognizes that there is no money, but there is still a need for a framework so that units can install wireless systems with their own funds. If no action is taken, then the result will be complaints that wireless systems are not compatible or do not work on campus.

Senator Christine Williams requested that the original memo sent to the Committee be entered in the Senate minutes for documentation. She thought that the original memo had only requested a policy and this Proposal had grown into a much larger proposal than originally intended, including General Fund support for implementation of a campus-wide system, which was not the intent of the original memo. She also thought that this Proposal could be easily broken into three or four proposals.

Senator Gregg commented that he had received unfavorable comments on the Proposal from his department's system administrator. For example, on page 3 of the Proposal, there is a statement that "certain wireless phones may not be used on campus" (see section entitled 'Cordless Phones'). The Senate needs to consider this Proposal carefully and bring it to its constituents' attention since some cordless phones can link into the net. He also indicated his uneasiness about the statement on page 4 of the Proposal that gave Telecommunications Services "authority to power off any device on campus that is disrupting University-wide or registered services" and wondered about this clause's effect on private equipment.

Senator Scott Pollins stated that Information Technology is ready to comment on the costs embedded in the Proposal. President Keen suggested that discussion of costs be postponed to the next meeting. Senator Beck responded that the magnitude of the estimated costs is important so that constituents know what costs might be expected.

Visitor Shane Godmere (Information Technology) commented that the Proposal really contains three different proposals addressing three different questions. First, is there a desire for universal access, especially in the academic areas, residence halls and common areas, and
how should it be funded (by individual units or the General Fund)? Second, what wireless spectrum or service should be used? Third, should other people be allowed access to all parts of the spectrum? Concerning costs, he estimated that funding for a universally serviced campus with 500 access points, of which 27% would be in the residence halls, would average about $300,000 annually over a four year phase-in period (a $1.2 million investment). This cost would cover installation of blanket coverage across campus; on-going future expenses to maintain the service and purchase new equipment would be lower. To clarify another point with reference to functionality, he stated that MTU wireless connectivity would be functionally the same as the currently wired network; however, it is a shared network and will not provide the same performance as that provided by a wired wall jack.

President Keen reiterated the need for Senators to gather input on this Proposal and to come prepared for further discussion at the next Senate meeting and then called for a motion to adjourn.

8. ADJOURNMENT
Senator Bruch MOVED (Senator Malette support) to adjourn. The motion carried and Senate meeting 400 adjourned at 7:30 p.m.

Respectfully submitted by Terry Monson
Secretary of the University Senate