

**THE UNIVERSITY SENATE OF MICHIGAN
TECHNOLOGICAL UNIVERSITY**

Minutes of Meeting 410
30 September 2004

Synopsis:

- (1) The Senate approved emergency proposals 3-05 and 4-05 to amend the Constitution and bylaws.
- (2) The Senate voted to meet again on Monday, 4 October 2004 (Meeting 411), to vote the second time on these amendments.

1. CALL TO ORDER AND ROLL CALL

President Monson called University Senate Meeting 410 to order at 5:31 PM on Thursday, 30 September 2004, in Room B45 EERC.

Secretary Glime called roll. Absent were representative from Army/Air Force ROTC, Physics, Keweenaw Research Center, Enrollment Management/OSRR, and Finance and Advancement. Liaisons in attendance were David Forel (GSC) and Becky Christianson (Staff Council). Humanities, Academic Services – Engineering, and Auxiliary Enterprises currently have no elected representatives.

2. RECOGNITION OF VISITORS

Guests included Dean Woodbeck (Director of News and Information Services).

3. APPROVAL OF AGENDA

There were no changes to the agenda as distributed.

[**Appendix A.** NOTE: Only official senate and library archival copies of the minutes will contain a full complement of the appendices.]

4. APPROVAL OF MINUTES FROM MEETING 409

Seidel MOVED and C. Selfe seconded the motion to approve the minutes of Meeting 409. The motion PASSED on voice vote with no dissent.

5. PRESIDENT'S REPORT

1. President Monson has forwarded Proposal 51-04 (Criteria for Financial Evaluation of New academic Programs) and Proposal 1-05 (Academic Calendar for 2005-2006) to the administration, but has not yet received any response.
2. President Monson met with Dale Tahtinen, VP for Governmental Relations, and Glenn Mroz, President, concerning the Senate president's report, should the faculty opt for collective bargaining. They agreed that the approach described in my report to the Board of Control was appropriate.
3. There have been a few changes in Senate committees.
4. We are still looking for a person to serve on the University's Conflict of Interest Committee.
5. The Senate Curricular Policy Committee received several proposals and requests, including a name change for a concentration in the BSBA degree program, a proposal for a Ph.D. in BioMed Engineering, a change in Master's Degree Plan C oral requirements, changes in procedures for distance learning degrees, and establishment of requirements for undergraduate certificates. The Senate Curricular Policy Committee is working on this proposal. The proposal for the Ph.D. in BioMed Engineering was also sent to the Finance Committee for its input.
6. Most committees have met and elected chairs.
7. President Monson has contacted Bob Warrington in order to get a professional staff senator from engineering. He will also contact Auxiliary Enterprise to encourage them to get a Senator.
8. The Senate has received the Annual Report from the University Sabbatical Leave Committee. [**Appendix D**]

6. OLD BUSINESS

President Monson distributed the most recent list of Senate committees and chairs. Scott Pollins will chair the Computer Committee, Martha Janners the Curricular Policy Committee, Erik Nordberg the Elections Committee, Martha Sloan the Finance Committee, Craig Waddell the Institutional Planning Committee, and Larry Sutter the Research Policy Committee.

A. Bruch MOVED and D. Selfe seconded the motion to approve the committee appointments. The motion PASSED with no opposition.

B. President Monson called for nominations for the Conflict of Interest Committee. Senator Bruch NOMINATED herself and Rogers seconded the motion. Sloan MOVED and C. Selfe seconded the motion to elect Debra Bruch by acclamation.

7. NEW BUSINESS

A. Proposal 3-05, Amendment to the Senate Constitution

[**Appendix B**] C. Selfe MOVED and Rogers seconded the motion to consider proposal 3-05 as an emergency proposal.

Senator D. Selfe asked for clarification on other ways to use the two new proposals as a means of discussion. Senator Rogers responded that any Senator could also introduce a proposal. Substitute Moran asked for clarification on what it means to declare this as an emergency proposal. President Monson clarified that it would permit the Senate to discuss the proposal tonight, but if not considered as an emergency proposal, it can only be introduced, but not discussed.

Senator Waddell asked when the loss of faculty voice in the Senate would become effective. President Monson responded that he had asked the election official and been told it would occur when MERC certified the election, which would take about two weeks.

The motion to consider Proposal 3-05 as an emergency proposal PASSED by secret ballot with 21 yes and 8 no votes.

President Monson introduced Proposal 3-05 which is designed to place the definition of professional staff into the bylaws and to remove the exclusionary nature of the definition of constituency. This would make it easier for the Senate to change the constituency more easily and to continue operation with its current constituency once the AAUP election has been certified.

In Article II.A, items 5 & 6 would be eliminated. Item 4 would be reworded to state "Professional staff, as defined in the Senate Bylaws..."

Senator C. Selfe reminded the Senate that we had had problems because our Constitution has way too much detail and is too difficult to change. The past few years we have been addressing some of those problems.

President Monson reminded the Senate that an amendment to the bylaws requires a two-thirds vote of the full Senate; the proposed change must be distributed to Senators at least 10 calendar days before the meeting at which it is considered.

Senator Beck expressed concern with II.A.1. Some professional staff work for only 30 hours per week.

President Monson stated that Human Resources has an "understanding" of professional staff, but they are unable to define them.

Senator C. Selfe suggested a friendly amendment to II.A.1 first sentence to read "Constituents of the Senate must be University employees who are employed a minimum of nine months and at least 30 hours per week or equivalent hours."

President Monson ruled that the amendment was substantive.

Senator Beck pointed out that by the time these amendments go to the constituents the faculty would no longer be legitimate voters.

Senator C. Selfe suggested striking "full time" from II.A.1. President Monson accepted, as a friendly amendment, the statement "Constituents of the Senate must be University employees who are employed for a minimum of 9 months for 30 hours per week or equivalent hours."

Senator Williams asked why athletic coaches were specifically included. Vice President Christianson explained that athletic coaches are neither faculty nor professional staff, so they were actually in a third category.

Bruch MOVED and C. Selfe seconded the motion to approve Proposal 3-05 as modified.

Senator Bruch asked about the chairs. President Monson explained that they are constituents, but they cannot be Senators.

Senator Bruch asked if we would deal with the possible inclusion of unionized staff at another time. President Monson responded that we would.

The motion to approve Proposal 3-05: **ARTICLE II - CONSTITUENTS**

A. Individuals

1. Constituents of the Senate must be University employees who are employed for a minimum of 9 months ~~full-time (40~~ **for 30** hours per week or equivalent hours. This is the primary criterion for Senate constituency; individuals otherwise qualified but not meeting this criterion cannot be constituents of the Senate.
2. Academic faculty shall be constituents unless otherwise excluded. (The academic faculty are individuals holding one of the ranks of instructor, lecturer, assistant professor, associate professor, or professor, for a minimum of nine months full-time.)
3. Research faculty shall be constituents unless otherwise excluded.
4. Professional staff, **as defined in the Senate Bylaws**, including athletic coaches shall be constituents unless otherwise excluded.
5. ~~Staff employed on an hourly basis shall be constituents unless otherwise excluded.~~
6. ~~Members of collective bargaining units recognized by the University shall not be constituents.~~

7- 5. The University President, the Provost, the Vice Provosts, the Vice Presidents, the Chief Financial Officer, and all deans and equivalent directors, shall not be constituents.

8- 6. The Bylaws shall contain procedures for resolving problems of constituency of individuals not clearly specified above.

PASSED by secret ballot, 25 yes to 4 no.

B. Proposal 4-05, Amendment to the Senate Bylaws [**Appendix C**] Bruch MOVED and D. Selfe seconded the motion to take up Proposal 4-05 as an emergency proposal. The motion PASSED by secret ballot with 25 yes to 4 no votes.

D. Selfe MOVED and Bruch seconded the motion to approve Proposal 4-05 (to add to Article I, Section M of the Bylaws an item 5. The Senate's professional staff constituency consists of those persons so defined by the University's Office of Human Resources.

D. Selfe asked if the officers had talked to Human Resources about putting this definition in the bylaws. President Monson responded that he had talked to Marilyn Haapapuro and Vice President Christianson who affirmed that Human Resources know who are professional staff but can't define them. He thought that its definition in the Constitution might indicate a concern from Human Resources. President Monson responded that Human Resources had responded that they know who professional staff are, but they can't define it.

Senator Amato-Henderson asked if it would be appropriate to put a clause such as "by a majority of Senators."

Senator C. Selfe stated that this decision should not rest on Human Resources, but on the Senate.

Senator Lewandowski pointed out that if this definition is put into the bylaws, the Senate can amend it.

Senator Williams stated that it is better to have rules in advance so that it doesn't become an issue of individuals. Senator Seidel stated that the Human Resources definition is by exclusion. Vice President Christianson responded that a constituent is anyone not a member of a bargaining unit.

Senator D. Selfe stated that the professional staff may want to be represented by a union as well.

Senator Bruch commented that we may later want to define staff and include other groups of constituents.

Liaison (GSC) Forel suggested that we could say professional staff will be defined by Human Resources and a committee. Monson responded that we could require that they be defined by Human Resources and ratified by the Senate. Senator Beck

suggested it should be "or" instead of "and."

Senator Amato-Henderson responded that "or" would mean one group or the other but not both. The issue is we don't want Human Resources to stand alone.

Senator C. Selfe asked why we should risk having Human Resources define the professional staff. Another Senator added that this is no different from defining a faculty position.

President Monson agreed to entertain a friendly amendment. Senator C. Selfe proposed a FRIENDLY AMENDMENT to state that Professional staff are those persons so defined by the Senate Executive Committee in consultation with the University Office of Human Resources. President Monson accepted this as a friendly amendment.

A senator questioned whether the department always determines if a position is one of professional staff. Senator D. Selfe explained that if the department disagrees with the designation, they just re-write the job description to fit the position they want. Senator Gotschalk asked if there will always be professional staff on the Executive Committee. President Monson explained that the Vice President is always from the Professional Staff and usually the chair of the Professional Staff Policy Committee will be a staff member.

Senator Williams questioned whether there would be a conflict in the Constitution if Proposal 3-05 loses the constituency vote. Senator Beck responded that the constitution takes precedence if there is a conflict.

President Monson reminded that the Senate that the proposal needed a two-thirds majority to pass.

Proposal 4-05, to amend the Senate Bylaws by adding to Section M, "5". The Senate's professional staff constituency consists of those persons so defined by the Senate Executive Committee in consultation with the University Office of Human Resources." PASSED on voice vote with no dissent.

Senator D. Selfe requested that the President ask Human Resources to find out how other universities define professional staff. President Monson asked Vice President Christianson to do that.

C. Date for Meeting 411

President Monson suggested that the next meeting of the Senate should be Wednesday of next week, 6 October, and explained that if the Senate approved the amendments again at its next meeting he would ask the Board of Control to give a contingent approval to the amendments, contingent upon a 2/3 majority vote by the constituents.

Senator Janners asked if that was a 2/3 vote of all constituents or only of those voting. President Monson responded that it was 2/3 of those voting.

Senator Amato-Henderson suggested that the meeting be earlier so the constituent vote could be earlier. President Monson stated that we would need to make sure we could use the room. Senator Bruch responded that we could meet elsewhere. There was discussion about holding a second meeting following Meeting 409, but President Monson stated that that would violate the intention of the Constitution.

Bruch MOVED and C. Selfe seconded the motion to meet Monday, 4 October 2004, at 5:30 pm.

Senator Flaspohler asked how long we would have. Senator Pollins felt there would not be enough time to get input from the constituents. Flaspohler agreed that faculty and staff like to hear their Senator's perspective on an issue. Pollins added that he would like to give the constituents a chance to think about their vote.

Senator Beck considered that the Board might want to seek legal opinion.

Senator Waddell felt that the Senate needs to decide while it still can and that the Board would use its own time scale.

Senator Rogers reminded the Senate that the campus mail might be slow.

Senator D. Selfe said that the clerical staff could collect the ballots. Secretary Glime asked if that would work as well for professional staff. Senator Selfe responded that all have access to secretaries. Senator Pollins added that all have representatives.

Vice President Christianson suggested that in the Administration Building we could designate one office on each floor to collect ballots.

Senator Waddell suggested we determine how many Senators could not attend the meeting on 4 October. Five Senators indicated that they could not come, but they did not know if their alternate or a substitute could come.

The motion to meet Monday, 4 October at 5:30 pm PASSED on voice vote with no dissent.

8. ADJOURNMENT

Janners MOVED and Rogers seconded the motion to adjourn. The Senate adjourned at 6:47 pm.

Respectfully Submitted by Janice M. Glime
Secretary of the University Senate