

**THE UNIVERSITY SENATE OF MICHIGAN
TECHNOLOGICAL UNIVERSITY**

Minutes of Meeting 412
13 October 2004

Synopsis:

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1. CALL TO ORDER AND ROLL CALL

President Monson called University Senate Meeting 412 to order at 5:30 pm on Wednesday, 13 October 2004, in Room B45 EERC.

Secretary Glime called roll. Absent were representatives from Army/Air Force ROTC, Education, School of Technology, Keweenaw Research Center, and Finance and Advancement. Liaisons in attendance were Becky Christianson (Staff Council) and Merle Kindred (GSC). Academic Services – Engineering currently has no elected representative.

2. RECOGNITION OF VISITORS

Guests included Marcia Goodrich (*Tech Topics*), Marilyn Vogler (Graduate School), Dave Chesney (Chemistry), Louis Paladino (undergraduate), and Brian Sprague (undergraduate).

3. APPROVAL OF AGENDA

President Monson pointed out that he had unintentionally omitted the President's report and it should be added as item #5, changing the published #5 to item #6. Under item 6, New Business, he would like to add F, Senate Ad Hoc Liaison Committee to AAUP. Item E should be changed to Discussion on the Senate's Future Role.

Senator Nordberg asked if the changes indicate this is not likely to be the last meeting of this Senate; Monson replied, "yes."

Lamuth MOVED and Turnquist seconded the motion to approve the agenda as amended. The motion to approve PASSED on voice vote with no dissent. **[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 411

Bruch MOVED and Turnquist seconded the motion to approve the minutes of Meeting 411. The motion PASSED on voice vote with no dissent.

5. PRESIDENT'S REPORT

1. The Board of Control learned the outcome of the defeated 5-6 October 2004 referendum to amend the Constitution on the morning of their 7 October 2004 meeting and decided not to act until members had time to consider the issue further, most likely at the meeting in December.
2. Senate assistant Amie Ledgerwood has decided to return to her previous position because of uncertainties surrounding the Senate.
3. The new academic tenure and promotion policy is in the Faculty Handbook on the MTU website.
4. The Senate officers met with President Mroz and Provost Wray to discuss the constituency issue. The University President plans to wait to react until he has had time to discuss the issue with the Board's Advisory Committee established at last week's Board Meeting (current chair, past chair, vice chair, Gronewelt, MTU President, and Provost). The Provost is considering establishment of committees reporting to him to advise him on academic issues otherwise handled by the Senate.
5. President Monson met with former President Keen to discuss the constituency issue, especially the Senate Resolution included in your packet of materials. He felt that there are problems with the resolution since any committee appointed by the Senate would not have a University Senate to report back to. His suggestions were (1) ask President Mroz to establish a committee to rewrite the constitution and (2) ask the Board of Control to change the Senate Constitution as suggested in the recent constitutional amendment.
6. President Monson announced that since there had been no complaints about email attachments of minutes, Secretary Glime would distribute minutes by email in addition to their posting on the web. This would permit a more rapid distribution and provide more time for Senators to distribute minutes to their constituents. This will be especially important as we work our way through the issues relating to Senate constituency and the future role of the Senate.
7. President Monson sent the search procedures for the President to the Board of Control members this week.
8. Jim Pickins, Jim Gale and Dean Johnson forwarded a proposal to the Senate on re-investment; the finance committee has looked at the proposal and supports it. President Monson will bring the proposal to the next Senate meeting.

6. NEW BUSINESS

A. Nomination of Douglas Orton to Distance Learning Implementation Committee

Ann Maclean is unable to attend the Distance Learning Implementation Committee meetings and has asked to be replaced on that committee. Douglas Orton has agreed to replace her. C. Selfe MOVED and Nordberg seconded the motion to accept the nomination of Douglas Orton and declare his election by acclamation. The motion PASSED with no opposition.

B. Proposal 5-05 Change in Coursework Only Master's Requirements

and

C. Proposal 6-05 External Member on Plan C Master's Examination Committee [Appendix B and C]

Senator Janners, chair of the Curricular Policy Committee, explained that the intent of the two proposals is to codify what has been the practice for committee and oral exams for the M.S. degree, but has never been approved by the Senate. The Curricular Policy Committee chose to forward the proposal because it had been supported by the Graduate School and by the Graduate Council. However, the Committee had some concerns.

Senator D. Selfe wanted to know what concerns the Curricular Policy Committee had.

Vogler (Graduate School) said that now it only applies to distance learning, but that the new policy would apply to the entire university.

President Monson commented that those he had talked to in the Business School would like to eliminate the oral exam.

Senators Boschetto-Sandoval and Flaspohler asked if each department decides on its own policy. Senator Janners clarified that they did, but the policy must be the same for every student in that department.

D. Proposal 7-05 The Role of Non-Engineering Disciplines at Michigan Tech – Revisions of Proposal 8-04.

[Appendix D]

The Senate Executive Committee had suggested a few changes to this proposal after receiving the suggested changes from President Mroz. Senator C. Selfe asked why the wording on degree programs had been taken out. Senator Janners said that the language of degree programs is still in the proposal but that the Executive Committee wanted to emphasize that these departments also had other important roles in the university, such as research.

E. Discussion on the Senate's Future Role

President Monson stated that President Mroz doesn't know his role in view of the AAUP bargaining unit. He can't even tell us if the Senate still has a budget.

Members of the AAUP bargaining unit have challenged Article II.A.6. of the Senate Constitution, stating that it violates the Michigan Public Employment Relations Act. The Senate cannot discriminate on the basis of union affiliation. We could be charged with unfair labor practice if this part of the Constitution is not changed. The AAUP will bring formal charges of this violation [as a grievance]. Therefore, President Monson will continue to convene the Senate until informed that tenured and tenure track faculty cannot be on the Senate. One possibility is that he may ask the Board to change the constitution so that tenured and tenure track faculty will still be constituents.

Senator Waddell asked if it wasn't the Senate who put that clause regarding unions in the Constitution.

President Monson responded that the Senate had put it there and the administration and Board had approved it. In Section III.C. the Board relinquishes none of their authority. Therefore, we could put the problem in the hands of the Board, President, and AAUP.

Senator Vable asked if this doesn't just buy time until the issue arises again. President Monson responded that we could develop a proposal to the Board.

Senator Waddell said that instead of going to a law suit, we should take responsibility for fixing the problem. Senator Flaspohler agreed, stating that we appear to be shirking responsibility. President Monson stated that both the President and the Provost were "keen" on having the Senate continue its business. He is not certain that we should reconsider the vote.

Senator Bruch asked why we can't make a new proposal.

Senator Polzien stated that we can't vote until we know that the constituency is clear on the issues. How do the changes affect other union members?

President Monson thought that removing II.A.6. would permit other staff to be members.

Senator Vable stated that it seemed that this form of Constitution is not well supported and that we need to educate our constituency. When offered several choices, they seemed to prefer separate faculty and professional staff Senates (13/18) that meet together once per semester or on an ad hoc basis. President Monson stated that he got four responses from the Department of Business and that they all favored a faculty-only Senate. Senator Williams stated that the constituents he polled wanted a faculty-only Senate. Secretary Glime reported that in her department the faculty could not understand why the referendum failed.

Senator Wagner stated that she considered it important for staff to be on the Senate and have a voice and work positively with the faculty.

Senator Waddell stated that he had talked to only a few people in the Humanities Department, but they all supported the proposal. However, he learned after the vote that staff thought the faculty would be the ones to define the professional staff.

Senator D. Selfe agreed, explaining that the Executive Committee is primarily faculty, who would consult with Human Resources.

President Monson explained that it would be the Executive Committee in consultation with Human Resources who would decide.

Senator D. Selfe responded that the staff were annoyed and felt that their rights were not well served. Lots of professional staff are influenced by the decisions made by the Senate and should be able to vote. They feel that the faculty voted in the union and should be on their own. Senator Gorman asked if the faculty had voted against the referendum because they wanted an all-faculty Senate.

Senator Nordberg reported that his constituents had been supportive of the Senate but that now they voice anger. Most of the things passed by the Senate are things that affect the university as a whole. He questioned if the AAUP liaison group would consider things that affect professional staff. We need to be cautious or we will lose shared governance.

Senator Lamuth stated that people expressed dissatisfaction over the emergency proposals. The notice urging people to vote yes caused their hair to stand up.

Senator Flaspohler stated that there are lots of other issues and that we need to solve the semantic issue, then deal with the other issues.

President Monson responded to Senator Polzien by stating that the University had re-organized over the summer and that we need to respond to that.

Vogler (Graduate School) stated that she is a member of the professional staff but is not allowed to serve on any Senate Committees. President Monson corrected her, that she could serve on the committee but could not vote.

Vogler added that it would be bad to start our relationship with the AAUP by a law suit and that we should wait for a decision.

Senator Waddell stated that if we say the Board of Control can do whatever it wants regarding the union exclusion issue in the Constitution, we send the message that they can do whatever they want in the future. President Monson stated that we need to slow down and maybe we can encourage the AAUP to slow down in their grievance action.

Senator Vable recommended that we set up a committee to set up a procedure to let the constituents have a voice in the constituency issue.

Senator C. Selfe stated that we have an opportunity to reconsider how we want to run the university. We should see how other universities do this and who includes all staff and professional staff.

Senator Bruch said she truly agrees with Selfe, but that she sees this as a second step, not the first. She would hate to see the AAUP deal with a law suit. This issue only affects faculty and she would like to see everything back the way it was and allow the Senate to continue.

Senator Milligan stated that it would be a huge mistake to let a law suit be the first AAUP business.

Dave Chesney (Vice President of AAUP) stated that the topic of a law suit never came up. This would be a grievance, not a law suit. Everyone who looked at the wording in the Constitution said it is clearly illegal. He recommended that we send the Board a communication to remove the wording.

Senator Sutter stated that if we strike the union clause we would solve the problem.

Senator Waddell emphasized that WE should do it and not give the Board that authority. We should take the time needed to make it clear what is at issue.

Senator Vable stated that we can ask that the Senate continue operation until the problem is solved.

Senator C. Selfe stated that we don't want to start with a grievance or a law suit. However, simply striking item 6 on the union might not work.

Senator Sutter stated that the constituents he talked to favored just striking that clause.

President Monson suggested sending the matter to the Executive Committee to bring back to the next meeting as an emergency proposal.

Senator Bruch asked the AAUP not to do anything at this time.

Senator Janners questioned why this needed to come as an emergency proposal. President Monson replied that the Board won't meet again until December. Senator Beck reminded us that we need to pass the proposal two times so that three meetings would be required if it is not an emergency. It would take a month as an emergency proposal and six weeks if not. Another Senator reminded the Senate that Thanksgiving break is also in that time period. President Monson added that it would also need to be before the board two weeks before their 10 December meeting.

Senator Vable stated that the Board and Administration have the authority to give emergency dispensation to continue the Senate. President Monson responded that the President thinks he doesn't, but that he may know more by Monday.

Senator Nordberg wanted to know if we must have a vote to remove an illegal clause.

President Monson stated that the Executive Committee would meet next week to have a plan of attack.

F. Senate Ad Hoc Liaison Committee to AAUP

President Monson reported that the Executive Committee suggested that the committee consist of three current faculty Senators, one current staff Senator, one ex-Senator who is familiar with the Senate, and that the faculty Senators should not include anyone who voted for the AAUP. He added that the AAUP generally works on wages, salaries, and working conditions, not academic issues.

Senator C. Selfe asked why those who voted for the union should not be on the liaison committee.

President Monson responded that it could represent a conflict of interest.

Senator Bruch stated that this exclusion would be discrimination.

President Monson stated that she was probably right, so any faculty Senator can be on the committee.

Senator Nordberg stated that it should be someone who promotes the Senate.

President Monson reported that he would attend the AAUP meeting the next day at noon and ask them to step back on the grievance.

7. ADJOURNMENT

C. Selfe MOVED and Turnquist seconded the motion to adjourn. The meeting adjourned at 6:40 PM.

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