

**THE UNIVERSITY SENATE OF
MICHIGAN TECHNOLOGICAL UNIVERSITY**

Minutes of Meeting 444
8 November 2006

Synopsis:

The Senate

- (1) Heard that the Administration has approved Proposal 27-06, Commitment to International Research, Education and Service, Proposal 2-07, Amendment to Proposal 18-01, Search Procedures for University Administrators, and Proposal 3-07, Amendment to Proposal 18-01, Search Procedures for College Deans.
 - (2) Approved Proposal 6-07, Proposal for an Undergraduate Certificate in International Sustainable Development Engineering.
 - (3) Approved Proposal 7-07, Ph. D. Program in Atmospheric Sciences.
 - (4) Approved Proposal 8-07, Departmental Name Change from Department of Fine Arts to Department of Visual and Performing Arts.
 - (5) Heard arguments for Proposal 9-07, Amendment to Tenure, Promotion, and Reappointment Procedures: Deletion of Citizenship/Residency Requirement
-

1. CALL TO ORDER AND ROLL CALL

President Sloan called the University Senate Meeting 444 to order at 5:30 pm on Wednesday, 8 November 2006, in Room B45 EERC.

Secretary Glime called roll. Absent were At-large Senators Marty Janners and Larry Sutter, representatives from Army/Air Force ROTC, Computer Science, and ME-EM. Liaison in attendance was Nick Nanninga (GSC). Academic Services C, Advancement, and Auxiliaries currently have no elected representatives.

2. RECOGNITION OF VISITORS

Guests included Debbie Lassila (Academic Human Resources), Jackie Huntoon (Graduate School), Raymond Shaw (Physics & Atmospheric Sciences Program), Richard Honrath (CEE Dept.; Atmospheric Sciences Program), Dave Reed (Provost), and Kurt Paterson (CEE Dept.; Atmospheric Sciences Program).

3. APPROVAL OF AGENDA

Waddell MOVED and the motion was seconded to approve the agenda. 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 443

Pierce MOVED and the motion was seconded to approve the minutes of Meeting 443 as presented. The motion PASSED on voice vote with no dissent.

5. PRESIDENT'S REPORT

President Sloan reported on pending proposals and the forum on tenure.

Proposals - The Administration has formally approved Proposal 27-06, Commitment to International Research, Education and Service, Proposal 2-07, Amendment to Proposal 18-01, Search Procedures for University Administrators, and Proposal 3-07, Amendment to Proposal 18-01, Search Procedures for College Deans.

Forum - As earlier announced, the Senate Executive Committee has cancelled the forum on the changes in tenure policy scheduled for 9 November so that the Senate could consider Proposal 9-07, Amendment to Tenure, Promotion and Reappointment Procedures: Deletion of Citizenship/Residency Requirement. If the Senate approves this proposal, faculty could consider all three changes at the same time.

6. OLD BUSINESS

A. Proposal 6-07, Proposal for an Undergraduate Certificate in International Sustainable Development Engineering

Gorman MOVED and Boschetto-Sandoval seconded the motion to approve Proposal 6-07. The Proposal PASSED on voice vote of academic units with no dissent.

B. Proposal 7-07, Ph. D. Program in Atmospheric Sciences

Nitz MOVED and Boschetto-Sandoval seconded the motion to approve Proposal 7-07. The Proposal PASSED on voice vote of academic units with no dissent.

C. Proposal 8-07, Departmental Name Change from Department of Fine Arts to Department of Visual and Performing Arts

Bruch MOVED and Waddell seconded the motion to approve Proposal 8-07. The Proposal PASSED on voice vote of academic units with no dissent.

7. NEW BUSINESS

A. Proposal 9-07, Amendment to Tenure, Promotion, and Reappointment Procedures: Deletion of Citizenship/Residency Requirement

Lassila (Academic Human Resources) reported that the proposal [**Appendix B**] arose out of a discussion of granting tenure, which is a property right. Changes in federal regulations have resulted in huge backlogs of applications for residency.

Depending on the country of citizenship, it can require a four-year period before someone can even apply.

Provost Reed stated that the present rule creates anxiety among the international faculty. The citizenship/visa status has no bearing on the scholarly achievement of the faculty member.

Senator Wood asked if our regulation is unusual.

Lassila responded that Michigan State University has the requirement for residency or citizenship, but that the University of Michigan does not. With the large number of international faculty in the country, everyone is facing the same dilemma.

Reed added that if someone meets all the steps for tenure, do you turn them down because their residency is not approved yet?

Senator Mattila asked why the original proposal was passed. Lassila responded that there had been a legal issue between the employment law and the immigration law. The two laws are not compatible and the problem still remains. However, most lawyers are now interpreting that immigration law trumps employment law relative to tenure.

Wood stated that if a person with tenure leaves due to immigration problems, the university still has to pay. He asked if this had changed.

Lassila responded that the interpretation their lawyers are using is that if the person is deported, that person is not performing the duties of a faculty member and could be terminated due to inability to perform. However, if it only requires returning home to settle some issue, then come back to the US, the person could be given an unpaid leave.

Drelich asked if it is legal to hire someone before that person has either permanent residency or citizenship. Lassila responded that it is.

Luck stated that he is worried about citizens of countries like Canada where the United States has an agreement that permits them to enter the United States with no visa necessary. He asked if we should require faculty to apply for residency, since this is a state institution.

Lassila responded that MTU has never had a case of someone who didn't apply. The bigger problem is that many funding agencies will not support someone unless the person is a permanent resident, or more often, require citizenship. She added that she is not sure if the US has the same arrangement with Mexico as with Canada.

Mattila inquired if the residency requirement has been a problem for our faculty. Lassila responded that it had.

Reed added that some faculty were midstream in their tenure track when the proposal was approved. Some faculty need decisions in four years if they are already at the associate professor rank. In these cases, where there had been insufficient time for them to gain residency status, the Administration had ignored the Senate Proposal.

8. ADJOURNMENT

The meeting adjourned at 5:50 pm.

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