

# The University Senate of Michigan Technological University

## Proposal 1-15

(Voting Units: Full Senate)

with friendly amendment: 10 September 2014

### “Amending the Senate’s Bylaws”

#### I. Introduction

The University Senate should strive to make Michigan Tech the best institution that it can be. The principal means to this end is genuine shared governance, which is the official policy of the University and the best way to ensure wiser decisions.

In this process, the Senate partners with our constituents, the administration’s Executive Team, the Board of Control, our students, and others who care Michigan Tech’s past, present, and future.

In his April 23, 2014 Senate presentation on shared governance, University President Glenn Mroz included a slide that he had previously presented at a Senate meeting on April 21, 2010. (copy attached). The slide, adapted from the work of Harvard Professor Richard P. Chait (*Governance as Leadership: Reframing the Work of Nonprofit Boards*, etc.) illustrated four governance scenarios:

1. Senate engagement is high but Administration engagement is low: Senate displaces the Administration.
2. Senate engagement is low and Administration engagement is low: Senate and Administration disengage.
3. Administration engagement is high but Senate engagement is low: Administration displaces the Senate.
4. Senate engagement is high and Administration engagement is high: Senate and Administration collaborate.

President Mroz said that scenario number 4 is the most desirable:

“This really sets a tone for going forward. . . . If everybody’s got high engagement, both the administration and the Senate, you’ve got a Senate and an administration that collaborate really well together. Does that mean that everybody gets what they want all the time? No, it doesn’t. It means that they collaborate, and, hopefully, there’s some understanding why things are the way they are.

“There’s really only a couple of places to be here, because the Board will fire the administration if we are not engaged . . . so the rest of these governing scenarios are really up to you and the new [Senate] president coming in as to what happens in the coming year.”

In order for the Senate to be successfully engaged in shared governance, Senators must have both the information and time needed to complete their work. Good governance, in any context, also required separation of powers and the rule of law.

In addition, the efficient and effective conduct of Senate business is hampered by two fundamental problems:

- a. According to the Senate Constitution, “The officers-elect of the Senate shall assume their duties on the Monday before the first week of instruction in the fall term.” This potentially hamstring the new officers, making it impossible for them to begin their work until the end of August, which could have severe negative consequences for the Senate getting off to an effective start in the fall.
- b. As one respondent to the Senate’s 2013-2014 self-evaluation wrote: “[The Senate] has not been as effective in promoting shared governance [in part] because the decisions get made in the summer and are suddenly presented as a done deal. In effect, the university runs 12 months a year, but the Senate only from around October to the end of April.”

It is with these principles and concerns in mind that the following amendments to the University Senate’s Bylaws are proposed. Related amendments to the Constitution of the University Senate should also be considered:

- A. Standing committees to be drafted in the spring**
- B. Executive Committee and standing committees to be restructured**
- C. Officers-elect to assume their duties immediately after the last meeting of the spring semester**
- D. Allowing nonmembers to speak**
- E. Reciprocal liaisons may be appointed**
- F. Senate officers not to chair standing committees**

## **II. Proposed Amendments to the Bylaws of the University Senate**

- A. Standing committees to be drafted in the spring**

Section I.C.8 of the Bylaws reads as follows:

*“Normally, the Senate officers and officers-elect will draft a preliminary list of committee assignments before the first meeting of the Senate in the fall term.”*

In order that the Senate might have the following year’s Executive Committee in place at the end of the academic year, **it is proposed that this section be amended to read as follows:**

*“The Senate officers will draft a preliminary list of committee assignments before the second-from-the-last meeting of the Senate in the spring semester.”*

## **B. Executive Committee and standing committees to be restructured**

Section I.B of the Bylaws describes the Senate’s Executive Committee as follows:

- 1. The Executive Committee of the Senate shall consist of the officers of the Senate and the chairs of the standing committees.*
- 2. The Executive Committee shall function as a steering committee of the Senate. Normally, the Senate officers conduct the daily business of the Senate.*
- 3. The Executive Committee shall maintain the lists of constituents and representation units. It shall use the Constitution and Bylaws as guidelines in its deliberations. Its recommendations for changes in the lists shall be submitted to the Senate for approval.*
- 4. The Executive Committee shall have the authority to extend to a maximum of one calendar year the three-month period for presidential approval or veto of proposals. This approval requires a two-thirds majority vote of the Committee.*

Section I.D of the Bylaws defines the Senate’s standing committees as follows:

- 1. Academic Policy Committee*
  - a. Appointment, promotion, tenure, dismissal, and leaves of the academic faculty (III-F-1-a-6).*
  - b. Criteria for positions that are to be accorded academic rank (III-F-1-a-7).*
  - c. Academic freedom: rights and responsibilities (III-F-1-a-8).*
  - d. Regulations concerning the awarding of honorary degrees (III-F-1-a-9).*
- 2. Administrative Policy Committee*
  - a. Selection of the University President, the Provost, and other major university-wide*

*administrators (III-F-4-b-7).*

*b. Administrative procedures and organizational structure (III-F-4-b-8).*

*c. Evaluation of administrators (III-F-4-b-9).*

*3. Board of Control Relations Committee*

*a. Represent the Senate at meetings with the Board of Control.*

*b. Coordinate interaction between the Senate and the Board of Control.*

*4. Curricular Policy Committee*

*a. All curricular matters, including establishment, dissolution, and changes in degree programs (III-F-1-a-1).*

*b. Requirements for certificates and academic degrees (III-F-1-a-2).*

*5. Elections Committee*

*a. Conducting ballot initiatives (VIII-D and Bylaws).*

*b. Conducting Senate elections (Bylaws).*

*c. Conducting University-wide elections (Bylaws).*

*d. Assisting Senate Officers in identifying nominees for Senate representatives to various University standing and ad hoc committees.*

*e. Providing a slate of nominees for Senate offices.*

*6. Finance Committee*

*a. Allocation and utilization of the university's fiscal resources (III-F-4-b-3).*

*b. Student financial aid (III-F-4-b-6).*

*7. Fringe Benefits Committee*

*a. Fringe benefits (III-F-4-b-1).*

*8. Institutional Planning Committee*

*a. Institutional priorities (III-F-4-b-2).*

*b. Allocation and utilization of the university's human and physical resources (III-F-4-b-3).*

*c. Admission procedures (III-F-4-b-5).*

*d. General admission standards (III-F-4-b-5).*

*9. Instructional Policy Committee*

*a. Regulations regarding attendance, examinations, grading, scholastic standing, probation, and honors (III-F-1-a-3).*

*b. Teaching quality and the evaluation of teaching (III-F-1-a-4).*

*c. All matters pertaining to the academic calendar (III-F-1-a-5).*

*10. Professional Staff Policy Committee*

*a. Policy on all issues of concern only to professional staff (III-F-3-a-1).*

*11. Research Policy Committee*

*a. Policy on all research issues and performance other than the allocation and distribution of resources (III-F-2-a-1).*

*b. Policy and procedures on the allocation and distribution of resources (III-F-2-b-1).*

**It is proposed that three sets of existing committees be consolidated and two new committees be added for the following reasons:**

1. During the 2013-2014 academic year, several of the Senate's standing committees did not meet, which suggest a possibility of consolidating committees to more equitably distribute the Senate's workload. Therefore, it is proposed that the Academic and Instructional Policy Committees be consolidated and that the Executive Committee and the Board of Control Relations Committee be consolidated.

2. One of the Senate's most active committees last year was the Senate Finance Committee. The work of this committee might be more equitably shared and might lead to more actionable Senate proposals if the committee were combined with the Institutional Planning Committee.

3. Last year's Executive Committee discussed the need for two new standing committees to help reassert the Senate's constitutional responsibilities in these areas: Information Technology and General Education and Assessment. Consolidating committees would help to make room for these new committees.

**Therefore, it is proposed that Section I.B of the Bylaws be amended to read as follows:**

1. The Executive Committee of the Senate shall consist of the officers of the Senate and the chairs of the standing committees.
2. The Executive Committee shall function as a steering committee of the Senate. Normally, the Senate officers conduct the daily business of the Senate.
3. The Executive Committee shall maintain the lists of constituents and representation units. It shall use the Constitution and Bylaws as guidelines in its deliberations. Its recommendations for changes in the lists shall be submitted to the Senate for approval.
4. The Executive Committee shall have the authority to extend to a maximum of one calendar year the three-month period for presidential approval or veto of proposals. This approval requires a two-thirds majority vote of the Committee.
5. The Executive Committee shall represent the Senate at meetings with the Board of Control.
6. The Executive Committee shall coordinate interaction between the Senate and the Board of Control.

**It is also proposed that Section I.D of the Bylaws be amended to read as follows:**

**1. Academic and Instructional Policy Committee**

- a. Appointment, promotion, tenure, dismissal, and leaves of the academic faculty (III-F-1-a-vi).
- b. Criteria for positions that are to be accorded academic rank (III-F-1-a-vii).
- c. Academic freedom: rights and responsibilities (III-F-1-a-viii).
- d. Regulations concerning the awarding of honorary degrees (III-F-1-a-ix).
- e. Regulations regarding attendance, examinations, grading, scholastic standing, probation, and honors (III-F-1-a-iii).
- f. Teaching quality and the evaluation of teaching (III-F-1-a-iv).
- g. All matters pertaining to the academic calendar (III-F-1-a-v).

**2. Administrative Policy Committee**

- a. Selection of the University President, the Provost, and other major university-wide administrators (III-F-4-b-vii).
- b. Administrative procedures and organizational structure (III-F-4-b-viii).
- c. Evaluation of administrators (III-F-4-b-ix).

### **3. Curricular Policy Committee**

- a. All curricular matters, including establishment, dissolution, and changes in degree programs (III-F-1-a-i).
- b. Requirements for certificates and academic degrees (III-F-1-a-ii).

### **4. Elections Committee**

- a. Conducting ballot initiatives (VIII-D and Bylaws).
- b. Conducting Senate elections (Bylaws).
- c. Conducting University-wide elections (Bylaws).
- d. Assisting Senate Officers in identifying nominees for Senate representatives to various University standing and ad hoc committees.
- e. Providing a slate of nominees for Senate offices.

### **5. Finance and Institutional Planning Committee**

- a. Allocation and utilization of the university's fiscal resources (III-F-4-b-iii).
- b. Student financial aid (III-F-4-b-vi).
- c. Institutional priorities (III-F-4-b-ii).
- d. Allocation and utilization of the university's human and physical resources (III-F-4-b-iii).
- e. Admission procedures (III-F-4-b-v).
- f. General admission standards (III-F-4-b-v).

### **6. Fringe Benefits Committee**

- a. Fringe benefits (III-F-4-b-i).

### **7. General Education and Assessment Committee**

**In all curricular matters related to General Education and Assessment:**

- a. Regulations regarding attendance, examinations, grading, scholastic standing, probation, and honors ~~as related to General Education and Assessment~~ (III-F-1-a-iii).
- b. Teaching quality and the evaluation of teaching as related to General Education and Assessment (III-F-1-a-iv).

c. Academic freedom: rights and responsibilities as related to General Education and Assessment (III-F-1-a-viii).

## **8. Information Technology Committee**

*As related to Information Technology:*

a. Allocation and distribution of unrestricted funds made available to the university for discretionary allocation in support of research or scholarly work *as-related-to-information technology*-(III-F-2-b-i).

b. Allocation and utilization of the university's human, fiscal, and physical resources as related to information technology (III-F-4-b-iii).

c. Formulation of policy and procedures regarding allocation and utilization of the university's human, fiscal, and physical resources as related to information technology (III-F-4-b-iii).

## **9. Professional Staff Policy Committee**

a. Policy on all issues of concern only to professional staff (III-F-3-a-i).

## **10. Research Policy Committee**

a. Policy on all research issues and performance other than the allocation and distribution of resources (III-F-2-a-i).

b. Policy and procedures on the allocation and distribution of resources (III-F-2-b-i).

## **C. Officers-elect to assume their duties immediately after the last meeting of the spring semester**

Section I.F.5 of the Bylaws reads as follows:

*The officers-elect of the Senate shall assume their duties on the Monday before the first week of instruction in the fall term.*

## **It is proposed that this section be amended to read as follows:**

The officers-elect of the Senate shall assume their duties immediately after the last meeting of the spring semester.

## **D. Allowing nonmembers to speak**

Article VII.A of the Constitution of the University Senate reads as follows: “The business of the Senate shall be conducted according to Robert’s Rules of Order when these are not in conflict with the Bylaws of the Senate.”

According to the 11<sup>th</sup> edition of *Robert’s Rules of Order Newly Revised* (RONR), “Any nonmembers allowed into the hall during a meeting, as guests of the organization, have no rights with reference to the proceedings” (p. 648). However, RONR also specifies that “the rules may be suspended to allow a nonmember to speak in debate.” The rules cannot be suspended by the presiding officer; instead, a two-thirds majority vote of the members is required.

The Michigan Tech Board of Control addresses the issue of comments from nonmembers in Chapter 1, Section 14 of its Bylaws:

Any individual who wishes to address the Board of Control on Board-related business will file such intent with the Secretary of the Board ten (10) business days prior to the posted meeting date, unless special or unusual circumstances prevent such filing. The essence of the statement will be in writing and properly signed by the individual wishing to address the Board. Oral presentations will be limited to five (5) minutes unless previous arrangements have been made. No more than thirty (30) minutes shall be allocated on the agenda of each regular meeting of the Board of Control for such presentations. At each regular Board of Control meeting a maximum of fifteen (15) minutes shall be reserved for comments from the public. Each individual will be restricted to a maximum of three (3) minutes for his/her presentation.

<http://www.admin.mtu.edu/admin/boc/policy/ch1/ch1p2.htm#rules>

The University Senate might likewise include a public comment section on its agenda.

**Therefore, to provide more flexibility in allowing nonmembers to speak, it is proposed that the Bylaws be amended by the addition of Section I.N:**

#### **N. Allowing Nonmembers to Speak**

Article VII.A of the Constitution of the University Senate reads as follows: “The business of the Senate shall be conducted according to Robert’s Rules of Order when these are not in conflict with the Bylaws of the Senate.”

According to the 11<sup>th</sup> edition of *Robert’s Rules of Order Newly Revised* (RONR), “Any nonmembers allowed into the hall during a meeting, as guests of the organization, have no rights with reference to the proceedings” (p. 648). However, RONR also specifies that “the rules may be suspended to allow a nonmember to speak in debate.” Ordinarily, the rules cannot be suspended by the presiding officer; instead, a two-thirds majority vote of the members is required. This section of the Bylaws is intended to provide more flexibility in allowing nonmembers to speak.

1. Normally, not more than 30 minutes of any given Senate meeting will be devoted to presentations by invited guests; special, Senate-sponsored forums may be scheduled for longer presentations and discussions.
2. During reports, presentations, and discussions of new business, the presiding officer may grant a nonmember speaking privileges simply by recognizing that nonmember.
3. Once a motion is on the floor and is being debated by the members, the presiding officer may grant a nonmember speaking privileges only to provide a point of information or clarification.
4. In either of the above cases, any member of the Senate has the right to challenge the presiding officer's decision, in which case, a two-thirds majority vote will be required to allow the nonmember to speak.
5. To further accommodate comments from nonmembers, at each regular University Senate meeting, a maximum of fifteen (15) minutes shall be reserved for comments from the public. Each individual will be restricted to a maximum of three (3) minutes for his/her presentation.

#### **E. Reciprocal liaisons may be appointed**

Section II.C of the Bylaws lists other units having official, non-voting liaison senate membership:

1. Staff Council
2. Graduate Faculty Council
3. Graduate Student Government
4. Undergraduate Student Government
5. Emeritus/Emerita Association

#### **It is proposed that Section II.C be amended with the addition of the following sentence:**

The Executive Committee may appoint reciprocal liaisons to any or all of these units.

#### **F. Senate officers not to chair standing committees**

Section I.C.1 of the Bylaws reads as follows: *“Normally, each senator or alternate is expected to serve on one standing committee of the Senate.”*

For the Senate officers, this requirement was previously met by service on the Board of Control Relations Committee. If the proposal to combine the Board of Control Relations Committee with the Executive Committee is accepted, the officers will need to be assigned to other standing committees. However, in order to avoid both excessive responsibilities and excessive authority, the officers should not chair the standing committees on which they serve.

Therefore it is proposed that Section I.C.1 of the Bylaws be amended to read as follows:

**“Normally, each senator or alternate is expected to serve on one standing committee of the Senate. At the discretion of the Executive Committee, the Senate officers may serve on but may not chair standing committees.”**

**Introduced to Senate: 10 September 2014**

**Approved by Senate with friendly amendment in Red: 10 September 2014**