

Oakland University Senate

Eighth Meeting
April 15, 1999

Minutes

Members present: Abraham, Alber, K. Andrews, Bertocci, Boddy, Brieger, Buffard-O'Shea, Connellan, David, Dillon, Doane, Downing, Eberwein, Gardner, Grossman, Haskell, Herold, Hildebrand, Hovanesian, Johnson, Liboff, Lilliston, Lombard, Long, Macauley, McNair, Moore, Moran, Moudgil, Mukherji, Olson, Osthaus, Papazian, Pettengill, Polis, Reynolds, Riley, Rozek, Schochetman, R. Schwartz, Sen, Sieloff, Speer, Sudol, Weng, Wood
Members absent: S. Andrews, Benson, Blanks, Blume, Eberly, Herman, Jarski, Mabee, Mitchell, Ott, Otto, H. Schwartz, Simon

Summary of actions:

1. Approval of the minutes of the March 11 and March 18 Senate meetings. (Polis, Connellan) Approved.
2. Motion to adopt an amended Senate Constitution (Andrews, Buffard O'shea) Second reading. Approved.
3. Motion to amend the amended Senate Constitution with technical changes and provisions for transition. (Andrews, Moran) Approved.
4. Motion that the vote on the main motion take place no later than 4:30. (Andrews, Buffard-O'Shea) Approved
5. Motion to amend the membership so that no organized faculty should have more than 40% of the seats. (Dillon, Alber) Not Approved
6. Motion to amend the previous motion and change the 40% to 49%. (Pettengill, Doane) Not Approved.
7. Motion to change the name of the University Senate to the Faculty Senate. (Papazian, Polis) Not Approved.
8. Motion to change the term of the Senate President to two years. (Andrews, Moran) Approved.
9. Motion to appoint members to Senate standing committees. (Reynolds, Andrews) Approved.

Mr. Downing welcomed the assembled group and called the meeting to order at 3:14. He then entertained a motion to approve the minutes of the two previous meetings, those of [March 11](#) and [March 18](#). Mr. Polis, seconded by Mr. Connellan, moved that they be approved, there were no corrections and the minutes were approved as distributed.

Information Items

The first information item presented by Mr. Downing was from the Academic Standing and Honors Committee. That Committee had considered the ramifications of the changes in graduation dates this year and the effect this will have on the awarding of honors. Since there is not enough time to compute honors in order for them to appear in the printed program, the Committee decided to list individuals who are potential honors recipients as candidates for honors in the program. This issue will be reconsidered next year.

Golf Course Update

Mr. Downing then provided a golf course update. Concerns had been expressed about one of

the paths and whether or not it would infringe on the research area. He reported that the path has not been finalized and that the architect and golf course personnel are working with the biologists to solve this problem. The architect and golf course personnel will also be meeting with the Lowry Center staff to address their concerns.

Faculty Hiring Procedures

With regard to faculty hiring procedures, Mr. Downing reported that our overall success this year in creating diverse pools will be looked at by the committee that has been established to consider the issues brought up in the Senate discussion on this matter. The committee will attempt to identify what worked well this year and what factors contributed to the successes and then to find ways of incorporating these practices into our procedures. Mr. Garfinkle pointed out that it helps when the Provost, President and Dean release positions in a timely manner so that recruiting can be done as early as possible. Mr. Downing concurred and added that he thought that this year's success was due, in part, because that happened this year.

Old Business: Senate Constitution amendments

Turning next to the only item of old business, the second reading of the motion to adopt an [amended Senate Constitution](#), Mr. Downing recognized Mr. Andrews. Mr. Andrews, seconded by Mr. Moran, moved that the amendments to the motion printed in the April 15 agenda be approved. These amendments address technical corrections to the Constitution and provide for a transition should the amended Constitution be approved. Mr. Grossman asked as a point of information, if the *ex officio* members of the Senate and Steering Committee are voting members and Mr. Andrews replied yes. The amendments were approved.

Mr. Andrews moved, seconded by Ms. Buffard-O'Shea, that the vote on the main motion take place no later than 4:30. The motion was approved.

Mr. Russell then provided some background on the motivation for the proposed change utilizing a [PowerPoint presentation](#). The Senate Constitution now in existence was proposed in the infancy of the institution and its provisions for handling growth have led to discrepancies, and thus, the current Senate composition is the result of obsolete rules. Several of the current academic units did not even exist and, as academic units were added, deans and director seats were added at a rate of 20%. The Provost, deans and directors currently comprise only about 2% of the faculty but one out of every two AA's is a member of the Senate. In comparison, currently the ratio of faculty to senators is 9:1. The Deans have the Deans' Council which has input into all Senate matters so the Provost will know where the Deans stand and all other groups have representative bodies. The Senate's role is to advise and recommend on academic matters and so, he argued, it is appropriate that body be under operational control of faculty. He also felt that the Senate should have an elected faculty member as its presiding officer because, he claimed, there is an inherent conflict of interest with the Provost as presiding officer. The new senate will have 50 faculty members and one representative from the other groups to provide for the linkages. The Senate committees will still be appointed by the Senate. He also felt that the new Senate should invite the President and Deans to attend the meetings, that the Senate should allow anyone to speak, and the Steering Committee should invite the Provost to meet with them on a regular basis, and that the new senate should sponsor two all-faculty meetings per year.

He provided the following chronology:

December: The grass roots petition to change the Senate began circulating, a petition eventually signed by over 70% of the full time non visiting faculty.

February: A motion to establish a committee to amend the Senate Constitution was proposed at the Senate meeting: no action was taken because a quorum was lacking.

March: A motion to amend the Senate Constitution received its first reading at the March 11th Senate meeting. An open hearing was held on March 15th. [secretary's note: the meeting was actually held on the 18th.]

April: The motion is presented for its second reading at the April 15th Senate meeting. If approved at this meeting an open hearing will take place on April 24, then a mail ballot will be sent to faculty and if the proposal is approved, it will then go to the Board of Trustees. (Mr. Downing clarified that the open hearing is scheduled for the 21st.)

Regarding the 70% that signed the petition, Mr. Bertocci reported that he has been trying to engage the faculty in Varner in discussion on this issue and his general sense is that of indifference. An e-mail to College faculty in Varner generated responses from only around 10 people, so he isn't sure this is really a mandate or that 70% have a strong opinion on this issue. Mr. Andrews responded that the way to find out is to put the proposition before them and let them vote. Mr. Connellan asked if any consideration has been given to what would happen if it is not approved by the faculty. Clearly there is a sense that something is wrong. Given the unusual quorum call at the February meeting and the fact that even last month, there wasn't a quorum present, he thought that we need to think about what can be done to make the Senate work more effectively. That's putting the cart before the horse, stated Mr. Wright, noting that he supports the changes and that there has been a clear mandate for these amendments.

Ms. Eberwein expressed no opposition to sending this to the faculty but was concerned about whether it is ready. While it seems something is broken and change is needed, she felt that people are open to considering other options. She argued that this is a work in progress and not a final document; she added that this is being hurried along and, if it should fail, it could lead to cynicism and disillusionment. She suggested waiting until we have a document more of us are comfortable with. Ms. Buffard-O'Shea countered that the petition didn't say anything was broken, it only stated the people want a faculty Senate. She didn't see how claims could be made that people are indifferent when 273 signed the petition and suggested the people have made up their minds. Mr. Moran stated that it is demagogic to bring on anecdotal evidence, that there are 273 signatures, and that the sure way to disillusion faculty would be to vote this motion down.

Mr. Grossman then read a [statement](#) urging a no vote on the amendments. He argued that we are proceeding without information, that no research has been presented on various governance models and that it is far from clear that this is the right change to make. The argument that the other groups have representative bodies doesn't hold water since only the University Senate has any power, thus the model of three parallel constituencies offering resolutions to the administration doesn't apply. The main problem would be that these changes would cause a serious breakdown in the communication between faculty and other groups on campus. In his conversations with some administrators and students, he has found that they are not happy with these changes, that pitting 'us' against 'them' is divisive. Other arguments against the proposal include the existing faculty power to overturn any action of the Senate, the problem of staff support and the maintenance of institutional memory. He concluded by stating that, while the faculty-only Senate would give increase power to the faculty in the Senate, it will diminish the power of the faculty at the university and will be a change we will eventually regret.

Mr. Andrews pointed out that the proposal has been discussed for several months and that there has been no hurry-up in bringing this motion forward. And if the faculty does not approve this model, there would be an opportunity to investigate other models. He argued against the idea that we need to explore other models, that we need to know everything now. He has heard concerns about faculty opinions being ignored, that faculty feel marginalized and his answer is "let the faculty vote." Mr. Dillon stated that he doesn't feel he is ignoring faculty opinion because of his concerns that this may not be the optimal document. He called attention to Article IV, section 2 of the revision which specifies that elected seats will be in proportion to the number of faculty who do not perform supervisory duties, with the proviso that each faculty should have a minimum of 1 seat. This treats all faculty as equal and he doesn't think that is necessarily true for all issues that come before this body. There are 8 organized faculty in this body and they may have differences, conflicting interests. He also noted that one of those units, the College, would have a voting majority and could dominate any proceedings. In response to the argument about equal representation, he noted that federal and state government models have two bodies, one based on units and one based on population.

Mr. Dillon MOVED to amend Article IV, section 2 to read: Elective seats shall be assigned by the Elections Committee of the University Senate among the faculties in proportion to the number of members of organized faculties who do not perform executive or supervisory responsibilities, with the proviso that each organized faculty shall receive a minimum of two elective seats, and that no organized faculty shall be awarded more than forty percent of the seats in the Senate. Following Ms. Alber's second, Mr. Andrews spoke against the motion. He stated that this is undemocratic, that it would make the College representatives second-class citizens and argued that, while the apportionment in the new Senate would give the College 26 of the total 50 faculty seats, the presence of the three other representatives could keep the College from having the majority. Mr. Russell noted that the fear that the College will form a majority is based on the assumption that the College is monolithic; do not fear, he reassured the group, the College will divide on anything.

Mr. Dillon disagreed, envisioning a motion regarding resource allocation that might have all members of a unit preferring that the resources be directed towards their unit. Mr. Russell responded saying that the Senate makes recommendations only and that the Deans' Council has the needed checks and balances. The current Constitution provides that no unit shall have more than 49% of the vote, noted Mr. Pettengill and under the new model the College would have 53%. Mr. Dillon pointed out that the College currently has 39% of the seats and the 40% proposed in his amendment was to maintain this proportion. It is silly to worry about checks and balances in the Senate, a body that has little power, opined Mr. Garfinkle; he averred that governance will go better if faculty have a distinct voice. Mr. Andrews emphasized the point about the second-class status of the College; the College has 50% of the faculty but with the current Senate membership, the College has only 40% of the Senate seats. He felt that this is a disgrace. Mr. Pettengill MOVED to amend the proposal to change the 40% to 49% in the Dillon motion. Mr. Doane seconded, there was no discussion and the motion to amend to 49 percent was defeated. The Dillon amendment was then voted on and defeated.

Mr. Doane stated that he doesn't feel this proposal is valid in its current form, that it does not address certain questions, that it does not create a faculty assembly in line with the Student and AP Assemblies with which it is compared. He argued that it basically takes over the University Senate and makes it a faculty-only Senate, and felt that, while people who signed the petition wanted a faculty body and a faculty voice, he isn't sure that this is right way to achieve

that goal. He opined that it will make decision-making worse and argued that the university would be better served with a multi-faceted Senate. He also noted that he doesn't think the governance structure is as broken as people imply and that he isn't aware of any instances of conflict of interest with the Provost as the presiding officer. He stated that he could not in good conscience vote for something he disagrees with, that the faculty did not demand this particular motion, and suggested that the proposal should be referred to a committee for improvement.

Ms. Papazian spoke to some of the arguments proposed in favor of the amended constitution. The argument that the Senate Constitution is old and was created when the institution was only seven years old and therefore needs to be changed doesn't hold water when you consider the U. S. Constitution is over 200 years old. Mr. Garfinkle's earlier comment today about faculty hiring was more effective since the President, Provost and Deans, people who are in position to make such decisions, were here in the Senate to hear it. She argued against the idea that only faculty are interested in academic matters such as new degree programs; other constituencies are involved and they need to be on board as we move these proposals forward. She also found it presumptuous to think that all administrators think alike and argued that many are closer to their units than to the other administrators. And finally, she had a questions concerning the proposed university council: how many representatives would serve, what sort of power would the council have?

Mr. Russell responded that the idea for a council originated with the AP's, that it would consist of the Provost and the presidents of the Senate, the AP Assembly and the Student Congress and its purpose would be to make sure each governing body discussed various issues. In reply to Ms. Papazian's query about how it would differ from the Steering Committee, Mr. Andrews stated that the Steering Committee would be primarily concerned with Senate agendas and committees and that the Council would be a forum for inter-assembly communication. Ms. Papazian asked whether the Council would have the power to direct legislation to one or more of the bodies. Mr. Andrews responded that the Council would have whatever powers the three groups decided to confer upon it.

Ms. Papazian, noted that, with a University Council representing all groups, and a faculty Senate with primarily faculty, we should therefore call it a faculty Senate. She then MOVED to change the name of the body from the University Senate to the Faculty Senate. Mr. Polis provided the second. Mr. Andrews explained that the reason the committee did not want to change the name is due to the fact that the powers of the University Senate are protected under that name by the Faculty Agreement and they didn't want to do anything that would affect that protection. Mr. Polis thought that the protection in the Agreement was due to the composition of the Senate and that, by changing the membership to include only those eligible to be in the AAUP, the nature of the body will be changed to an AAUP Senate. He explained that he feels strongly that he is a member of the faculty and that he feels he is being excluded. Mr. Andrews indicated that he would be welcomed back into the bargaining unit faculty and countered that the Deans need to recognize the power they have in the Deans' Council. He also stated that what is being proposed is a change in voting membership and that the new Senate will allow Deans to come and speak. Mr. Andrews stressed that the faculty want as much influence in the governance structure as the Deans have.

Speaking of Constitutions, Mr. Moran instructed the group that the U.S. Constitution has been amended 26 times, that some of those changes included changes in voting members, and told

the Deans that, if they want solidarity with the faculty, that they should vote in favor of the motion. Ms. Papazian reminded the group that earlier in today's debate the argument was made that the Senate Constitution was too old; she also emphasized that the amendments to the U.S. Constitution related to inclusion, to adding voting groups, and not to exclusion. If you want a faculty voice, call it a Faculty Senate and make it clear that is what it is, she stressed. Mr. Andrews once again cautioned regarding the impact this would have on the Faculty Agreement. The Papazian amendment was then voted upon and defeated, 18 in favor, 21 opposed.

Mr. Schwartz felt that, although there have been several recent breaches of university governance, the problem was not because of Senate votes but rather because the Senate wasn't consulted. He is not convinced that the change will increase the power of the faculty and suggested that we need a sunset clause on the change, that, if the change is ratified, it be reaffirmed in three years or we revert to the membership of previous Constitution.

Mr. Riley spoke to the issue of the conflict of interest when the Provost is the presiding officer. He argued that the passions of the Senate regarding the golf course were not properly conveyed to the administration; he also specified the approval of charter schools which a significant number of faculty opposed. He felt that there are problems in representing the faculty voice in an adequate manner as well as a conflict of interest when the presiding officer is the Provost. Since we don't have time to talk about all the problems with this document, Ms. Eberwein spoke in favor of the sunset clause. She expressed concern over Article IV, section 7, which calls for the annual election of the Senate president, which implies rapid turnover. She thought that it should at least be a two-year term and that the election should take place before the fall so the president can begin working in the summer and not in the fall when he/she may already have a full load of courses and committee assignments.

Ms. Sieloff saw the proposed amendments to the Constitution as representing a work in progress, and stated she has no problem if this isn't perfect. She suggested that the Senate should adopt the quality improvement model, always perfecting and dealing with problems. If there is a problem, she stated, it can be fixed. Mr. Andrews concurred, stating that the amendment door is always open. He then MOVED, seconded by Mr. Moran, to change Article IV, section 7 to specify that the term of the Senate president shall be two years.

The clock now specifying 4:30, Mr. Downing called a halt to the discussion and asked the will of the group, e.g. whether to call for the vote or continue the discussion for 15 minutes. Since no one had to leave immediately, the consensus was to continue the discussion. Ms. Papazian wondered if, given the concerns Ms. Eberwein expressed, it would be a good idea to have a senate president and vice president as a way of providing continuity and transition. Mr. Andrews answered that the Senate can address that issue, that it doesn't need to be written into the Constitution but can be handled by a resolution. He stated that the President's terms would run from September to September, just as the current Steering Committee terms do. The Andrews amendment was then approved and immediately after that, the Senate voted in favor of the motion to amend the Senate Constitution.

New Business-Senate Standing Committee Appointments

With old business taken care of, Mr. Downing recognized Ms. Reynolds who moved the sole item of new business, a motion to appoint the members listed in the agenda to the various Senate standing committees. She included one additional designation, that of Mr. Tsui to chair

the Admissions and Financial Aid Committee. Following Mr. Andrews' second and with no discussion forthcoming, the Senate proceeded to approve the appointments.

Good and Welfare

As part of good and welfare Mr. Andrews offered the traditional thank you to the chair, Mr. Downing, and to the secretary. Mr. Downing countered by also recognizing the contributions of the parliamentarian, Mr. Andrews, and the entire Senate. He commented that there have been a number of major issues to come before the Senate in the past two years and the discussions have been excellent. Whatever form the Senate may take in the future, he hoped that the thoroughness, the conscientiousness and the deliberation that went into these debates will remain a constant and he wished the group well.

Mr. Pettengill asked if there was any information concerning the SBA building and Mr. Gardner responded by inviting everyone to the ground breaking next Tuesday at 4:30, promising good food and small gifts for the attendees. Mr. Downing reminded the Senate of the open hearing on the proposed constitutional amendments scheduled for April 21 from 3-4 in 156 NFH. And with no further business the 1997-1999 Senate adjourned.

Submitted by
Linda L. Hildebrand
Secretary to the University Senate

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8/30/99