

Oakland University Senate

Fourth Meeting
January 14, 1999

Minutes

Members present: Abraham, K. Andrews, S. Andrews, Benson, Bertocci, Blume, Boddy, Brieger, Connellan, David, Dillon, Doane, Downing, Eberwein, Herman, Hildebrand, Hovanesian, Johnson, Keane, Liboff, Long, Macauley, Moore, Moran, Mukherji, Osthaus, Papazian, Pettengill, Reynolds, Riley, Rozek, Schochetman, H. Schwartz, R. Schwartz, Sen, Sieloff, Sudol, Wood

Members absent: Alber, Blanks, Buffard-O'Shea, Gardner, Grossman, Haskell, Herold, Jarski, Lilliston, Lombard, Mabee, McNair, Mitchell, Moudgil, Olson, Ott, Otto, Simon, Speer, Weng

Summary of actions.

1. Approval of the minutes of the December 10, 1998 meeting. (Ms. Wood, Mr. Andrews) Approved.
2. Information items:
 - Senate Library Committee report
 - Oakland University Master Plan update
 - Upcoming Senate Business
3. Golf Course update
4. Motion to establish a policy for awarding financial aid to home-schooled students. (Mr. Grossman, Mr. Moran) Second reading. Amended motion approved
- 4a. Motion to amend financial aid policy to include ACT. (Mr. Grossman, Mr. Moran). Amendment approved.
5. Motion asking Senate concurrence with a College Assembly resolution (Mr. Macauley, Mr. Andrews) Second reading. Referred to Senate Steering Committee upon approval of a motion to postpone/defer discussion. (Mr. Dillon, Mr. Brieger)
6. Motion to staff Senate standing committee (Mr. Andrews, Mr. Moran) Approved.
7. Resolution to add a faculty representative to the Board of Trustees. (Mr. Moran, Mr. Hovanesian) First reading.

Mr. Downing opened the meeting by welcoming the group to the first meeting of 1999 and wishing everyone a very happy new year. The minutes of the [December 10th](#) meeting were approved following a motion by Ms. Wood and a second by Mr. Andrews.

Senate Library Committee report

Ms. Eberwein, Chair of the Senate Library Committee, then provided an update on the plans for pruning the journal collection. This will allow more funds for book purchases and for in-demand journals that we don't currently own. This semester the departments and schools will receive a list of journals that, based on use studies and cost, are candidates for cancellation. She emphasized that this was only a preliminary list and that units should consider democratically, openly and thoughtfully which journals are really necessary. Units can also suggest other titles not on the list as possible cancellations. The responses to the initial list will be due in early March. Then in April a second list of potential cancellations will be

disseminated to the whole university for review. This is because while one department may be able to do away with a particular title, another unit might consider it essential. Responses to the second list will be due by the end of the academic year. She emphasized that they are trying to get as much input as possible, that nothing is being done arbitrarily. Ms. Eberwein also referred to a recent mailing from the library which provided information on library services and, in particular, those services that provide access to journal articles through the Internet accessible databases. Responding to a question about the availability of the use statistics for each title, Ms. Merz, the Library Collection Development Coordinator, responded that she wasn't sure these could be provided in the list. Mr. Downing noted that Ms. David and Ms. Merz have been meeting with departments and schools to keep them informed about the plans and processes involved in this activity.

Master Plan

Mr. Downing then reported on the plans underway for updating the [Master Plan](#). The Senate Planning and Senate Budget Review Committees as well as the Senate Steering Committee have met with Mr. Russi and Ms. Schaefer to discuss the process. This is a very important project he noted, a project that will take 1-2 years to complete and which will address not only the physical campus but also programmatic issues as they relate to the development of the campus. Mr. Dillon, chair of SPRC, reported that a draft framework has been developed which will involve a Task Force of approximately twelve people with faculty, staff and students represented. The process calls for the Task Force to create a new master plan by consulting with a wide array of constituencies. He also noted that the old master plan was developed in 1989 and so is due for an update. Mr. Andrews asked whether the result of the Task Force's work will be presented to the Senate. Mr. Dillon replied yes, that the intent is for the new plan to be presented to appropriate Senate Committees and the Senate before going to the Board of Trustees. Mr. Downing commented that after a very quiet fall term, the SPRC and SBRC have suddenly been deluged with a lot of work and expressed his appreciation to the Committees for responding quickly.

Creating the Future

Mr. Downing reported that another item that will be coming to the Senate sometime this term is the *Creating the Future* document. This report contained a number of strategies and recommendations from the nine task forces, task forces that represented each of the Schools, the College, and also the areas of Student Affairs, Marketing/Development and Technology/Library. Many of the academic units have had the opportunity to discuss the report and to begin thinking about priorities. However, to date, no one has taken a look at the total set of initiatives or considered the interdisciplinary aspects. He noted that the President considers this document very important in dealing with outside constituencies and in future planning to establish a framework for a capital campaign. The SPRC, SBRC and Senate Steering Committees have already met with Mr. Russi, Mr. Downing and Ms. Schaefer to discuss the process for establishing priorities and the results of this process will be reported to the Senate in March. Mr. Downing also announced that an additional Senate meeting has been scheduled for March 18th to allow the Senate adequate time to consider the proposals prior to the April Board of Trustees' meeting.

Multi-Purpose Complex.

Another issue the Senate Planning and Budget Committees will be looking at is a proposal for a multi-purpose complex. Various outside agencies have proposed a Performing Arts Center, a conference/hotel center and a hockey rink as additions to the university. Will the report on the multi-purpose complex come to the Senate asked Mr. Pettengill and Mr. Andrews replied yes,

probably at the March meetings. Mr. Brieger pointed out that the Campus Development and Environment Committee should be involved in the discussions. Mr. Downing agreed and noted that Ms. Schaefer had already been in touch with him regarding these proposals.

Campus Disruptions.

Mr. Downing then reported on what has happened with the resolution passed at the last meeting regarding campus disruptions. While a policy exists for student disruptions, there is none for outside agitators. The Senate Steering Committee asked the Senate Planning Review Committee to look into the matter and SPRC responded by sending it back to the Steering Committee recommending an *ad hoc* committee be appointed to develop a policy. Mr. Downing added that he has met with Ms. Snyder and Ms. Gerrits on this issue.

Golf Course.

Turning next to old business, an update on the Golf Course, Mr. Downing recognized Mr. Brieger, chair of the Campus Development and Environment Committee. Everyone should have gotten a copy of the CDEC's [report](#), noted Mr. Brieger and indicated a few corrections to the report regarding the way the appendices were listed. He summarized the report and noted the appendices mentioned were available at the front table. The Foundation has asserted that the primary reason for the development of the second golf course is to raise money for academic programs and he reported that the OU Foundation has provided a list of all the academic programs that have benefited in the last three years from Foundation funds. He noted, however, that less than half the funds raised in the last year went to academic programs and concluded by reading the report's conclusion into the record:

The CDEC recommends that the Senate reemphasize the right to review and comment on development projects in order for the major stakeholders in the University, namely the faculty, staff, and students, to contribute to the decision process in a timely manner. Specifically we recommend that the conflict of the R. and S. Sharf Golf course with the Biology research areas be resolved, and that consideration be given to the effect of the golf course on the future widening of Adams Road and the impact on the faculty-staff subdivision.

Responding to Mr. Liboff's concern about the Magnetics Laboratory, Mr. Downing replied that the reworking of the course moves the holes even farther away from the lab. The issue of the recreational trails is being addressed by a subcommittee of CDEC and the course architect is trying to resolve the problems created by the relocation of the holes near the research areas, namely how to get from the green of the 11th hole to the tee of the 12th hole without infringing on the research area. Ms. Eberwein asked if a motion was in order to endorse the report and its recommendations, specifically the right of the Senate to be consulted. Mr. Downing suggested referring it to the Senate Steering Committee, particularly since we are still awaiting the report from the SBRC, an action agreeable to Ms. Eberwein as long as the Senate hears back about it. Mr. Pettengill asked if there would be time before the next Board meeting for Senate action if it was referred and Mr. Downing replied no, the next Board meeting is February 11th. Mr. Riley wondered if there was any response to the Senate actions at the last meeting regarding the golf course. Yes, replied Mr. Downing and added that a memo is being sent which basically says that, while mindful of the concerns, the golf course will proceed. Mr. Moran, chair of the Senate Budget Review Committee, reported that their report will be ready by the next Senate meeting. Ms. Wood commented that, while she didn't want to say that God came in on the side of the moratorium, it certainly looks that way given all the snow that has accumulated in recent days.

Financial Aid for Home Schooled Students.

Mr. Downing then turned to the next item of old business, a motion to establish a policy for awarding financial aid to home schooled students and an amendment to it. Mr. Anderson, Director of Financial Aid, spoke in favor of the amendment and explained that their choice of the ASSET test was based not only on its availability at the community colleges, but also because research has indicated that this test is the best predictor of academic success. With no questions or further discussion forthcoming, the motion to amend the original policy by adding the ACT was approved. The Senate then proceeded to approve the amended motion.

College of Arts and Sciences Assembly Resolution regarding hiring practices.

The next item of business, a motion from the College seeking Senate concurrence with College Assembly resolution proposing changes regarding hiring procedures, was then opened for discussion. Mr. Early read the following statement into the record:

**BLACK FACULTY AND STAFF ADVOCACY NETWORK POSITION STATEMENT ON
THE AMENDMENT TO OAKLAND UNIVERSITY ADMINISTRATIVE POLICIES AND
PROCEDURES**

SUBJECT #144: OAKLAND UNIVERSITY FACULTY HIRING PROCEDURES

At the December 10, 1998 Oakland University Senate meeting, the College of Arts and Sciences introduced a motion requesting an amendment to the Faculty Hiring Procedures. This position statement, drafted by the members of the OU Black Faculty and Staff Advocacy Network ("Network"), opposes the proposed changes to the Faculty Hiring Procedures. The Network considers both the proposed resolution and pending Senate vote to preclude the use of established university channels to review a Faculty Hiring Procedure issue. The Network also believes the drafters of the proposed amendment have failed to provide sufficient fact-based reasons to merit a procedural change.

Historically, Oakland's employment profile for minorities has not seen significant increases. Similarly, institutional data reveals that the number of full time minority faculty has been stagnate for nearly a decade. This lack of progress in the hiring of minority faculty created a need to develop and implement policies and procedures to ensure the inclusion of qualified minorities in candidate pools.

University officials designed the Faculty Hiring Procedures to assist each academic unit in developing a faculty representative of the population of qualified professionals in the discipline. The procedures also serve to support the required analysis of recruitment and hiring patterns, and to assure consistent policy implementation.

The proposed amendment is in direct opposition to the University's mission, vision, and strategic goals related to diversity, as specified in the *Strategic Plan 1995-2005*, *Affirmative Action Policy*, and "*Creating the Future*" initiative. If approved, this action will counteract the university's aim to position itself as a model institution of the 21st century and beyond. Essentially, passage of the amendment will have the effect of returning to a university system that lauds status quo actions, behavior, and outcomes in faculty search processes. This will do irreparable damage to the university's reputation and long-term ability to recruit a diverse faculty.

Lastly, the change of a procedure because its implementation was not carried-out satisfactorily is inappropriate and unwarranted. We, the members of the Black Faculty and Staff Network, urge the defeat of this amendment.

Mr. Bertocci, as drafter of the resolution, stated that he completely agrees that OU hasn't made enough progress in hiring minorities and females and argued that there isn't sufficient institutional commitment to the process. He stated that units are not adequately supported in their searches and that the Office of Diversity and Compliance is understaffed and unable to assist units in their recruiting efforts. Funding for searches must come out of meager and inadequate departmental budgets he noted and there isn't enough money to place ads in all the appropriate venues. While there may be a problem with minority recruitment, he felt that the problem is not due to the academic units. We need to rethink how we go about this business, he argued, given the problems of recruiting minority candidates. He also suggested that consideration be given to using search firms to assist faculty in recruiting diverse pools of candidates. He commented that he hoped this discussion would engender ideas of improving diversity, that we need to develop strategies to be more effective since what we are doing is not adequate.

Mr. Bertocci reminded the Senate, however, that the proposal on the floor is simply to preclude the practice of requiring that the short list of candidates must have certain characteristics. It is a practice, an expectation, but not a policy, he added and it is a fact that searches in the College last year were hindered by this practice. He disagreed with the suggestion that this proposal is a catastrophic change and argued that it does nothing to hinder existing procedures that attempt to create a diverse pool. The administration could still stop a search if attempts to create a diverse pool weren't rigorous enough. The problem this proposed change addresses is that the goals were not made explicit at the outset of the search process and he averred that the proposal does not undermine any of the existing policies. Mr. Bertocci pointed out that the expectation has been in effect for administrative searches for some time but last year was the first time he was aware that it was applied to academic searches. The College has shared his view and the Assembly unanimously approved this resolution. So far, no one has defended the policy of requiring candidate pools to have a minority, but if that is desired, the expectation should be made explicitly clear at the beginning of the search process. He concluded by stating that what is proposed is not a threat, that nothing really changes in the ability of the administration to make sure that adequate searches are carried out and that increased funding is needed for recruiting.

Replying to Mr. Keane's request for clarification of the use of the words "practice" and "policy", Ms. Abraham stated that search and hiring process is an exhaustive one and that she endeavors to ensure that everyone understands the affirmative action policies of the university. Faculty participating in searches should talk to their deans and/or their department chairs about the process and she emphasized that OU tries to be inclusive in its efforts, to expand its advertising and recruiting efforts to reach female and minority pools. She meets with search committees and their chairs to discuss what efforts need to be made and to discuss concerns such as position descriptions which should not be defined in such a way that minority/female candidates could be disqualified. She recognized that the challenge is to fully and accurately document the search process so that we can make sure that all attempts have been made. At some point, someone has to decide if the effort was sufficient. Timing is crucial because certain individuals may be in great demand. Many factors are considered when her office asks whether or not the effort made by the unit were sufficient to get minorities and females in the pool. If

the answer is no, the search may be placed on hold. If the record shows that rigorous efforts were made, the hiring is approved.

Opining that bad cases make bad law, Mr. Keane asked if his understanding is correct, that is, that there is no practice of requiring a certain number of minority candidates for any position but someone reviews the search process and determines if the procedures followed were adequate and complete enough to derive a representative candidate pool. Ms. Abraham wondered if we are trying to fix a one-time problem, commenting that once Mr. Bertocci was able to document his efforts, the search was approved and the individual selected was hired. Mr. Bertocci felt that there was, in fact, a *de facto* process of having to include a person of color on their short list, irrespective of how well they had followed the procedures, and averred that other departments were told the same thing and that it did not matter how exhaustive the search process had been. He added that Ms. Rush confirmed that such an expectation did exist. Mr. Liboff asked if procedures for administrative and faculty searches are the same, and thought perhaps that the administrative area was setting standards for the faculty. Ms. Abraham responded that they apply the same scrutiny across the board, that high level searches follow the same procedures. What is different is that her office does not have the final say in searches such as that of the Vice President for Academic Affairs.

Stating that he is struggling to understand the discussion, Mr. Dillon thought that he was hearing two messages. One, that there is a unannounced policy that every group of candidates must have certain characteristics. The other is that after a search is finished, it is evaluated to see if it was properly conducted. Not finding either of those satisfactory, he wondered if there is another way of dealing with this, that is, to have all people involved in a search meet and agree on the procedures and the search strategy which would have to be approved by the Office of Diversity. This would be like a contract and if the search committee follows the procedures as outlined, the search and hiring process proceeds. If the procedures are not followed, the search process can be stopped and reopened. That is the process that is evolving, stated Mr. Downing, adding that we are collectively getting better and better at this. This is the process being followed this year. Could this be codified in the procedures manual asked Mr. Dillon and Mr. Downing felt that it could.

Mr. Moran pointed out that the resolution was passed unanimously by the College Assembly and that was because of the frustration caused by the discrepancy between the policy and the practice, that searches were conducted as the procedures specified and then at the last minute committees were asked to justify their actions. He argued that this amendment doesn't change the university's commitment to diversity. Mr. Andrews pointed out that this amendment is a modest addition to a lengthy document that addresses in great detail the procedures and efforts required in the recruiting process. The problem arose because of administrative attempts to go beyond what is written in that document. The search committees thought they had done everything they were supposed to do and yet had the rug pulled out from under them. It was not a policy or a procedure but an expectation regarding their final pool that wasn't made clear to them at the beginning of the search. This proposal is a modest attempt to prevent that from happening again. There is ample administrative discretion, Mr. Andrews argued, for searches to be extended if procedures haven't been followed correctly.

Since the final statement in that section states that the administration can reopen a search at any time, Mr. Doane wondered if the proposed addition would solve the problem. Mr. R. Schwartz thought it would shift the burden of evidence to the Office of Diversity which would

have to provide evidence for stopping a search. Currently if a committee does not make a solid case for how they went about the process, the lack of a minority candidate in the pool is sufficient to stop the process. Given this proposed change, he felt we would argue more about the process and that committees might not document their efforts as thoroughly. Mr. Moran argued that it does not change anything about the current policies and procedures, that search committees would still be required to document all their efforts to recruit a diverse pool. The difference is that a unit would not suddenly be told about an expectation that it was to have a pool with certain characteristics. Two issues were brought up by Mr. Dillon. The first one is internal to the institution and concerns how we do searches. The second is the external perception of the effect of this amendment. He wondered about alternative approaches, and asked if there is a way of fostering better understanding between the faculty search committees and the administration.

This is only part of a long and complete document that sets out in great detail all the procedures that are to be followed when conducting a search, noted Mr. Andrews again, and argued that this amendment will not cause any negative effect on recruiting efforts or public perception. All it does is preclude the introduction of unexpected and unannounced expectations that were not made clear at the beginning of the search. Mr. Herman was reminded of the old debate between goals and quotas; at the beginning of a search the expectation or goal is to create a diverse pool but a requirement to have a minority/female is a quota. Expressing concern over this whole issue, he asked if a legal review was needed. Since the issue is the arbitrary *ex post facto* imposition of requirements, Mr. Brieger asked why the proposed new language could not be phrased to address that concern without reference to specific characteristics of individuals. Mr. Blume opined that we are missing the major point, namely, that Oakland is failing to attract a diverse applicant pool, and he thought that should be the focus of our discussion, e.g. what can we do to make the searches more effective. Mr. Riley added that there is a problem with resources and OU's ability to attract minorities. Having recently been on a search committee he stated that the expectation was that the search committee would come up with an acceptable candidate pool with reasons given for the selection of the final candidates. The burden of proof is on the search committee and this motion does nothing to change that. It will only prevent the *ex post facto* imposition of expectations on a search.

Ms. Abraham spoke of the need to identify ways to do this better, noting that we all agree on the final goals. She just isn't sure that this amendment will help us achieve those goals. This year the expectations and requirements have been identified to the search committees up front so there should be no surprises. Mr. Moran spoke of his experience on search committees, stating that he has not experienced any overt discrimination being practiced and that committee members generally support the affirmative action goals of the university. The problem is in the means to the goals, he argued. The practices that led to this proposal, in fact, erode public confidence in the goals. Mr. Keane reported that when he served on a search committee, many members felt that they were undercut when the search was stopped since they felt they had made a good faith effort to recruit as diverse a pool as possible. However, he added that the purpose of this motion has been served in this discussion and that he feels uncomfortable having a subset of the faculty and staff argue against the motion. He suggested that we need to get all relevant groups on campus involved in a dialogue on these issues. Mr. Downing promised that, independent of Senate action, that will happen.

Mr. Bertocci noted that the current practice, as such, does raise legal issues and, since we exist in a political environment, it also invites uncomfortable public opinion and may in fact, put the

institution in harm's way. Stating that the debate has been both interesting and enlightening and that further discussion seems needed, Mr. Dillon MOVED to postpone a vote until all parties have had a chance meet and to air all views and concerns. Mr. Brieger seconded the motion. Responding to a question about postponing versus tabling a motion, Mr. Andrews, stated that it is possible to postpone, to table to a particular time or to refer to a committee. He also expressed concern about the vagueness of the time line and parties mentioned and so Mr. Dillon revised his motion to

MOVED to table/postpone/defer a vote until the Senate Steering Committee can identify appropriate parties to discuss the issues and come to a resolution, the result of which will be brought to the Senate for further consideration.

Mr. Brieger, as seconder of the original motion, concurred with the changes and the Senate then proceeded to approve the motion with a few nays.

Senate Committee appointments.

Turning to new business, a procedural motion to staff Senate Committees, Mr. Andrews moved and Mr. Moran seconded a motion to appoint Mr. Wawro to the Research Committee for the winter term. Mr. Andrews then added to the motion the approval of Mr. Walia as chair of Admissions and Financial Aid Committee this semester. The Senate approved both appointments.

Good and Welfare.

In the good and welfare portion of the agenda Mr. Moran, seconded by Mr. Hovanesian, moved the following resolution:

Whereas, the Oakland University Board of Trustees already has two student representatives,

Resolved, That the Oakland University Senate request that the Board of Trustees appoint two faculty representatives to the Board of Trustees before August 15, 1999, and be it further

Resolved, That such representatives be elected by the faculty to staggered two year terms,

and be if further Resolved,

That said election be conducted by the University Senate Election Committee.

Mr. Moran noted that recent events, in particular the golf course, have shown the desirability of faculty consultation with regard to academic matters and that one way to address this issue is to include faculty representatives on the Board. There are many initiatives that will affect the faculty and while the Board has academic officers and students to present their viewpoints, there are no faculty to provide input. Mr. Downing asked if Mr. Moran would like this referred to the Steering Committee or would he prefer a Senate vote. Mr. Moran indicated he wanted the Senate to act upon this proposal and Mr. Downing then ruled it a substantive motion requiring two readings. In reply to Mr. Herman's suggestion that the term liaison be used rather than representative, Mr. Moran preferred the term representative since they will be

elected by the faculty to represent the faculty. Mr. S. Andrews reported that the Student Congress had done a lot of research on this, e.g. the reasoning, the methods of selection, powers and rights of advisors to governing boards of universities and he thought this information might prove useful in support of this proposal, adding that he felt the Board would want supporting materials. The legality is also an issue and Mr. Andrews noted that students are called "liaisons" because of legal concerns. Students are appointed by the President of Student Congress based on recommendations by a Student Congress committee he replied to Mr. Moran's query.

Mr. Polis wondered if any other institutions in Michigan have faculty representatives on their Boards. Mr. Downing responded that he didn't know and that we should get some comparative data. While Mr. Moran argued that it doesn't matter, that this is important to this institution this time, Mr. Andrews indicated that there are instances of faculty representation on Boards in other states and that their rights and privileges vary. Ms. Wood felt that what is done at other institutions in Michigan shouldn't be an impediment, and pointed out that Boards vary in Michigan, some are elected and some appointed and that accountability varies accordingly. In reply to a query by Mr. R. Schwartz regarding the responsibilities of the faculty representatives, Mr. S. Andrews indicated that the students participate in all Board activities except for the closed Board sessions. Ms. Papazian thought that if this change needed to be approved by the Board, the proposal would be more persuasive if accompanied by supporting documentation. Mr. Moran stated that this proposal is designed to indicate to the Board what the faculty wants; that the reason we are here is to advance the academic mission of the institution and the Board needs to be made aware of faculty concerns.

With no further discussion on the resolution, Mr. Downing asked for any other good and welfare items. Mr. Andrews asked about the schedules for the candidates for the Provost position. Mr. Pettengill responded that there would be public presentations at 3 p.m. on Jan. 22 (Shah), Jan. 26 (Esposito) and Feb. 2 (Wanat) followed by receptions at 4.

The meeting adjourned at 5:07 with multiple motions to adjourn.

Submitted by
Linda L. Hildebrand
Secretary to the University Senate.

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