



# OAKLAND UNIVERSITY SENATE

## OAKLAND UNIVERSITY SENATE

Thursday, 9 February 1989  
Sixth Meeting

### *MINUTES*

Senators Present: Appleton, Bhatt, Braun, Brown, Burke, Cass, Chipman, Christina, Coffey, Dahlgren, Downing, J. Eberwein, R. Eberwein, Eliezer, Fish, Frankie, Garcia, Gerulaitis, Grossman, Hartman, Haskell, Herman, Hildebrand, Horwitz, Hough, Jackson, Kleckner, Larabell, Lauer, Lindell, Miller, Muir, Murphy, Olson, Pine, Schimmelman, Sevilla, Sherman, L. Stamps, R. Stamps, Stern, Theisen, Tripp, Wedekind, Williamson, Wilson.  
Senators Absent: Abiko, Barthel, Beehler, Cardimen, Champagne, Fullmer, Karasch, Ketchum, Maschke, Millwood, Pettengill, Pillow, Reddy, Riley, Tracy, Witt.

#### Summary of Actions

1. Minutes of 12 January 1989 (Stern; Garcia). Approved.
2. Motion to reduce credit requirements for the master's degree in Nursing (Brown; Pettengill). Approved.
3. Motion to approve a new constitution for the School of Business Administration (Horwitz; Theisen). First reading.
4. Procedural motion to instruct the steering committee to consider a thorny constitutional issue before the next Senate meeting (Garcia; Stern). Approved.
5. Motion to reduce membership of the Committee on Admissions and Financial Aid (Sherman; Hough). Approved.
6. Motion to waive a second reading on the proposal above (Downing; Christina). Approved.
7. Motion to staff the Committee on Human Relations (Sherman; Stern). Approved.

Mr. Kleckner called the Senate to order at 3:12 p.m., proceeding at once to consideration of the minutes of 12 January 1989. Approval of these having been moved by Mr. Stern and seconded by Ms. Garcia, they were accepted without alteration.

That action allowed attention to turn to the first item of new business: a motion from the Graduate Council (Messrs. Brown and Pettengill):

**MOVED** that the School of Nursing be authorized to reduce credit requirements for its graduate program from 48 to 36.

Mr. Kleckner called attention to the presence of Nursing faculty members who were available to respond to questions. No questions or comments arose, however, so the matter proceeded to a vote. The motion carried without dissent.

The next issue proved more controversial, though seeming a matter of governance routine. Mr. Horwitz, seconded by Ms. Theisen, spoke on behalf of their Assembly in calling for ratification of a revised constitution for their school:

**MOVED** that the Senate recommend to the President and the Board approval of the new Constitution of the School of Business Administration.

Mr. Kleckner reminded his colleagues that Senate protocol holds constitutions to be unamendable from the floor. Should concerns about this document arise, senators should simply remand it to the sponsoring body for reconsideration. Mr. Horwitz then explained that the main reason for presenting this revised document was to bring an archaic one up to date (case in point: it refers to the university's presiding officer as "the chancellor"). When Mr. Downing asked for the summary of changes that was promised by the Senate agenda, Messrs. Horwitz and Hough explained that it was not yet ready for distribution but would be in people's hands before the next meeting.

Mr. Grossman launched discussion of the proposed constitution by expressing concern about the idea of having the Assembly elect members of the Committee on Appointment and Promotion (CAP). Noting that the SBA Assembly included student representatives, he wondered whether it was the faculty's intent to have its personnel committee elected "by this potpourri." He preferred the Arts and Sciences procedure of conducting CAP elections in a mail ballot of eligible faculty. Mr. Horwitz, who resented reference to his Assembly as a "potpourri," denied that his colleagues took lightly issues of membership either on CAP or the Assembly. He acknowledged that Mr. Grossman was correct in reading the constitution to say that the Assembly elects the CAP. Ms. Braun wondered whether the reasoning behind this provision was the same that guided the nation's founding fathers to create the Electoral College: distrust of the general membership. Mr. Hough responded that he thought of the SBA Assembly as a representative faculty body that included a few students. Mr. Horwitz reminded his friends from the College of Arts and Sciences that the SBA Assembly, like those of most Oakland University schools, includes all members of the unit's faculty. Mr. Dahlgren found reassurance in the constitutional provision (p. 4) that CAP consists of five full-time faculty members, but Mr. Kleckner thought the questions referred to the electorate rather than to those who actually served.

Mr. Stern wondered how a quorum of the Assembly would be defined and learned that it requires a majority of the membership. This led Mr. Grossman to ask in what circumstances membership of CAP might be augmented, as the constitution indicated that it could be. Mr. Hough explained that, if the SBA CAP fails to converge (i.e. cannot enlist two-thirds support for either side of a question), then it is bound to summon the full tenured membership of the Assembly to make the decision.

Mr. Christina then zeroed in on Article I, section 3 of the proposed constitution, which provides that "with the advice of the Assembly of the School, the Dean shall propose to the Provost and the President any and all administrative or instructional units within the School." Why, he inquired, had the familiar phrase "advice and consent" been abbreviated to "advice?" Wondering "Who paid you to ask that?", Mr. Horwitz traced the offending language to consultation with the general counsel's office. He mentioned that it conformed to language already in effect in three current school constitutions approved by the Senate. Mr. Christina explained his interest by reporting that his own unit, the School of Human and Educational

Services, was currently revising its constitution, and indicating that his colleagues intended to defy "this crude attempt to change university governance." Mr. Kleckner reminded the Senate that all constitutions must be approved by the Board, which has in the past raised objections to "advise and consent" wording; the last such occasion involved the School of Nursing constitution. The provost's observation was that none of the schools that has been living with this constitutional language has noticed any change in its governance situation.

Mr. Stamps wondered whether there was any chance of the Board's reconsidering this issue. He speculated on the possibility of SBA's creating an occasion to discuss this matter with the Board by reinserting the original language. Perhaps, he suggested, the Senate might wish to take a straw vote to test community sentiment. Ms. Braun asked about the routing the constitution would follow from the Senate to the Board and was informed by Mr. Kleckner that it would go to the general counsel's office first, before reaching its final destination.

Trying to grasp the implications of the disputed language, Mr. Fish inquired about the reasons for the Board's concern. Mr. Kleckner thought the issue involved its governance power in terms of its legal responsibility insofar as it had been advised on that matter by the general counsel. Pointing out that it had never happened in 29 years that the Board had wished to do something for which there was no consent, he thought it unlikely that such a situation would ever arise-- not impossible, but decidedly improbable. Noting that the language in question referred to the authority of the dean to act without the consent of the Assembly rather than to powers of the Board itself, Mr. Fish doubted that this issue needed to be handled the same as some others. Mr. Hough followed up on this point by asking whether the language didn't mean that the dean would need an action of the Board to act against a decision of the Assembly? Mr. Fish said he was just pointing out that the material in question relates to the relationship between the dean and the Assembly. Mr. Kleckner reminded the Senate that the dean is appointed by the Board-- in a different way than faculty members are. Mr. Christina, professing himself willing to concede that the Board is the only body with real authority in the university, emphasized that this item bears directly on the dean's relationship to the Assembly in regard to academic issues.

Mr. Kleckner then inquired how the Senate wished to deal with this matter. He called attention to the fact that the motion on the floor involved ratification of the SBA constitution. Ms. Tripp asked whether the SBA Assembly had debated this matter and, if so, whether adopting the language required by the general counsel's office had bothered them. Mr. Horwitz reported that they had discussed it at length and had found it distinctly irritating. Several changes of wording had been tried out in their ongoing dialogue with the counsel's office. The process had resulted in his colleagues' acquiescence in the language now presented to the Senate. When Mr. Stamps asked whether the SBA faculty would accept the support of the Senate on this matter, Messrs. Horwitz and Hough declared they would welcome it. Thus encouraged, Ms. Garcia proposed that the Senate advise SBA that it feels concern about this language. Her suggestion prompted Mr. Chipman to wonder what its expression of concern might say about those senators whose own schools are already living with this offensive language in their constitutions. He understood the sentiments of SHES people who were already working on a new constitution but thought their situation different from that of the Senate majority. Mr. Kleckner asked what should be done with respect to the proposed constitution then before the Senate.

Mr. Hough wished to know whether it was the sense of the Senate that the issue in question is the administrative power of the dean to the effect that, if the chief administrative officer of an

academic unit should find himself at loggerheads with his school's legislative body, he must go to the Board to resolve the problem. He thought this an issue pertinent to the Senate itself as well as to the schools. Mr. Fish saw the issue differently. To his eye, the language simply states that the dean cannot propose anything to the provost without the advice of the Assembly. Then, Mr. Hough responded, without "consent" as well as advice, the administrative officer could presumably act against the will of the Assembly, using power derived from the Board. When Mr. Stamps inquired whether the current SBA constitution says "advice and consent" in that section, Mr. Horwitz thought that it did.

Noting that the passage in question involved departmental organization, Ms. Gerulaitis wondered about the fate of faculty members in a department the dean might arbitrarily cut out. Mr. Hough thought that much less worrisome a matter in his school or any other with "small d departments" than in the College of Arts and Sciences with its "big D departments." Mr. Horwitz bore him out on that point by citing the contract, which sets faculty appointments for his unit in the school rather than in departments. Restructuring within SBA would not jeopardize faculty appointments. Mr. Kleckner reminded the Senate that organization would be the issue rather than appointments or programs (both of these being handled very differently). He advised separating out the issues and worried that the Senate was tending toward taking SBA hostage to help the university at large deal with a broader issue. He took the sense of the Senate to recognize a real problem that requires study and possible Senate action. Mr. Stern wondered whether a proposal for action could be anticipated in time for the next Senate meeting, but Mr. Kleckner thought the matter might take longer. Mr. Christina worried that the question might be a moot point before the Steering Committee could return to the Senate with a recommendation.

Testing the waters to find out what would happen if the Senate should decide to use the SBA constitution as a test case, Mr. Chipman asked what the school might find itself unable to do without its revised governance document. Mr. Horwitz responded that "life will go on" and noted that the primary changes of interest to his colleagues involved committee structure. Mr. Kleckner urged the school in question to consider seriously before the March Senate meeting what action it wished from this body. Mr. Horwitz pointed out that the Assembly had presented its proposal after prolonged discussion and that it had nothing new to say on the disputed point. He thought it up to the Senate, rather than his Assembly, to decide whether the Senate should make SBA a test case on the matter. Nonetheless, Mr. Christina encouraged the SBA Assembly to consider what action it wanted from the Senate. Mr. Kleckner agreed that the wishes of that faculty should be consulted. When Ms. Garcia inquired whether it was fair to assume that this matter was already grist for the Steering Committee's mill--even without a specific Senate motion to that effect, Mr. Kleckner assured her that a motion would be entirely in order. Ms. Garcia, seconded by Mr. Stern, then moved to have the Steering Committee consider the issue before the Senate's March meeting. This motion winning prompt approval, Mr. Kleckner promised that the Steering Committee would return to the Senate with proposals.

The second item of new business was a proposal from the Steering Committee to restructure the Committee on Admissions and Financial Aid by reducing its membership in accordance with recommendations brought forth from the affected committee, headed by Mr. Jones. Before the motion was officially presented, Mr. Kleckner corrected errors in reporting the titles of the body's two *ex officio* officers: the Director of Admissions and Scholarships and the Director of Financial Aid. Ms. Sherman, seconded by Mr. Hough, introduced the corrected motion:

**MOVED** that membership of the Committee on Admissions and Financial Aid be reduced from 15 to 8, distributed as follows: three faculty members (all voting) named by the Steering Committee with attention to distribution among the schools and colleges; two students (voting) to be appointed by University Congress with the Committee recommendation that at least one be a minority student; one administrative officer (voting) to be named by the Vice President for Student Affairs; the Director of Admissions and Scholarships and the Director of Financial Aid, both of whom shall serve in an *ex officio*, non-voting capacity.

When Ms. Stamps asked what members were being cut, Mr. Jones reported that two faculty members would be lost, an alumni representative, several administrators (some of whom hadn't known that they were even on the committee), and two students (although Congress has only succeeded recently in filling two of the four available seats so that the student positions were effectively forfeited); all persons affected had agreed to the restructuring. Mr. Christina inquired how faculty representation from the various schools would be accomplished. Indicating that his committee had originally proposed that the three must be drawn from various units, Mr. Jones explained that the Steering Committee preferred to maintain some flexibility, given the difficulties sometimes faced in finding volunteers of sufficiently diverse backgrounds. The intention, however, is to include members from different units.

Mr. Appleton commended the committee for its feat of addition by subtraction. His advice to other governance bodies, "Go thou and do likewise," drew applause. Mr. Downing, however, wondered whether an eight-member committee might not get bogged down in split votes. Mr. Jones assumed from his considerable experience of committee service that there would always be someone absent so that the voting membership was likely to be uneven. In case of a tie vote, he would hesitate to bring forward a proposal supported by only three voting members and would be inclined to reconsider an issue until the committee could arrive at consensus. Mr. Christina wondered whether the committee had faced any serious problems with either admissions or financial aid matters, and Mr. Jones acknowledged that neither his committee nor the previous two that merged to form it had been especially busy. With the committee now confronting important work, he thought it advisable to restructure it for efficient operation. Just as a matter of record, Mr. Stamps declared that he would prefer to drop an administrator rather than a faculty member. So would Mr. Jones.

Discerning no controversy over this motion, Mr. Downing inquired whether expeditious Senate action would help the Steering Committee, which would soon be circulating lists of committee charges and membership specifications along with its annual call for faculty volunteers. Advised by Mr. Kleckner that the committee restaffing process would begin shortly, he (seconded simultaneously by Messrs. Christina and Hough) moved that the second reading of the motion be waived so that the Senate could proceed to an immediate vote. Both the motion to waive a second reading and the motion to reduce the size of the Committee on Admissions and Financial Aid won unanimous approval. Restructuring of the committee takes effect next fall.

The remaining item of formal business was a procedural motion from the Steering Committee to name members of the newly created committee on Human Relations (Ms. Sherman; Mr. Stern).

**MOVED** that the following persons be confirmed nominated to the Committee on

### Human Relations

Five faculty members, including the chair, nominated by the Steering Committee: Brian Murphy (chair), Jane Bingham, Wilma Garcia, Karl Gregory, Vincent Khapoya ;

Two members nominated by the Senior Vice President for University Affairs: Indra David, John Tower;

Two members nominated by the Vice President Student Affairs: David Herman, Monifa Jumanne;

Two members nominated by the President of the University Congress: Steven Klein, John Smith

Mr. Kleckner called attention to the substitution of Mr. Khapoya's name for Mr. Bertocci's, which had appeared on the agenda. Mr. Bertocci is unavailable to serve this semester but is likely to be called upon presently. Mr. Stern commended the Steering for having put together a truly remarkable committee, to which he wished godspeed and good luck. Mr. Kleckner then credited the ad hoc Committee on Race Relations for taking the initiative that led to this result. He assured the Senate that its new committee would begin meeting this semester. Just for the record, Mr. Grossman requested that nominees to the committee be identified so that senators could satisfy themselves that students, minorities--including blacks, and women had indeed been represented. He thought that a few of the names, especially those of students, might be unfamiliar to some persons present. Mr. Murphy, introducing himself as the new president of the University Congress, then identified his nominees. Mr. Chipman welcomed Mr. Grossman's question and indicated that it is entirely appropriate for the Senate to remain vigilant about equitable representation on this sensitive committee. No further discussion ensued, and the slate of nominees won unanimous confirmation. Mr. Kleckner then promised to communicate with "Brian Murphy the Elder," instructing that worthy to convene the group promptly.

Staffing that committee apparently satisfied the Senate's urge to contribute to the general welfare, as no private motions were introduced for the good of the order. The Steering Committee filled the vacuum by screening two brief film clips featuring Reuben Torch, former dean of the College of Arts and Sciences. Mr. Torch, now retired from vice presidential responsibilities at a California state university, has recently made several television appearances on local television out west as a representative of St. Stan's Beer. Dressed in monk's robes, Mr. Torch portrays the brewery's patron saint by blessing its product and intoning a Latin chant. Senators viewed the dean's transformation with amused attentiveness, which they registered with laughter and applause. Mr. Chipman saluted the inspirational presentation, while Mr. Christina suspected that the faculty members and administrators present were being primed to think in terms of early retirement. He classified Mr. Torch's new business venture as an example of "typical administrative enrichment."

Following this diversion, Mr. Kleckner presented several information items. The first concerned the governor's budget message, just released that morning. Mr. Blanchard's recommendation for all institutions of higher education in Michigan amounts to an increase of about 3%, a figure that proves consistent with Oakland's planning and ahead of its recent fears. There would also be a 3% increase in the King/Chavez/Parks program, while funding for the Research Excellence Fund is proposed for an additional 7.7% statewide. Oakland stands to receive an additional \$424,000. for library opening expenses (thus library expansion lifts our overall percentage increase slightly). Special maintenance funds, for which all institutions may apply, are recommended for a 35% boost. Governor Blanchard has not yet issued any specific statement on acceptable-levels of tuition increase. He is proposing a new program this year to

honor fifty outstanding university professors statewide (two of them from Oakland) for their excellent teaching. Each award will be for \$10,000. Individual institutions are to make these awards following criteria to be developed by the state. Overall, the provost interpreted the governor's message to mean that Oakland is on target with its budget plans.

Mr. Kleckner then reminded his colleagues that the North Central accreditation team will be visiting our campus next month. Mr. Appleton and Ms. Hildum are hard at work making arrangements. offered the floor, Mr. Appleton said that each unit should have received a copy of the university's report. Like any student who submits an especially long paper, he hoped for a good grade. He called attention to one change in membership on the visiting team: Ms. Hay of the University of Illinois, Chicago, has been replaced by Mr. Mines (also a mathematician) from New Mexico State University. For the most part, our visitors will be setting their own schedule but can be expected to establish contact with people all around the university. They will be interested in finding out whether we know we are being reviewed and have a clear grasp of Oakland's role and mission. He announced that the team has set aside time from noon to 2 p.m. on Monday to talk with any students who want to meet with them and has reserved the parallel block of time on Tuesday to meet with interested members of the faculty. Mr. Appleton promised to inform units when possible as to what team member is assigned to their operations, but Mr. Kleckner reminded senators that much scheduling will inevitably occur once the team arrives. Ms. Garcia, recognizing that it might be a little premature for the Senate to pass a formal resolution of thanks to Mr. Appleton and his helpers, nonetheless wanted to assure them of how much we appreciate what they have done for Oakland (warm applause). Mr. Appleton hoped all would feel the same way once the visit is over. Mr. Kleckner thanked Mr. Appleton but reminded the Senate that the Accreditation Steering Committee didn't make up its report out of whole cloth; he maintained that the whole university was to be commended for its outstanding accomplishment under trying conditions.

This reference to difficult circumstances reminded Mr. Williamson to call attention to problems departments face in trying to hire faculty members when positions get allocated late in the academic year. October 15 struck him as a reasonable date for announcing which positions would be filled. Agreeing with him, Mr. Kleckner mentioned that a two-year staffing plan is now in the works. Mr. Sevilla then asked what to make of a recent administrative document that reviews unit staffing. Mr. Kleckner said it was meant as a guide to examine relative staffing levels among academic units. What we need to produce at this point is dollars, he explained, rather than a fixed number of positions.

Mr. Stern professed himself puzzled by talk of hard times at a university which, last year, found itself so prosperous as to pay off \$3 million in revenue bonds prematurely. Why should we worry, he wondered, given the good news just reported from Lansing? Mr. Kleckner replied that a 3% budget increase, although better than the figure we dreaded a few weeks ago, still cannot be judged wonderful. The revenue bonds payoff came from different funds altogether. To take advantage of a chance to pay off its debt at fifty cents on the dollar, Oakland borrowed last year from its aggregate pooled cash (e.g. residence halls maintenance reserves, funded liability reserves, and the like) and must return what it borrowed. Mr. Williamson inquired how the predicted faculty attrition rate had been calculated and learned that it was based on recent experience that shows the university hiring about 25 new permanent faculty members each year. When Mr. Christina asked whether changes might be expected in projected staff reductions in view of news from Lansing, Mr. Kleckner responded that the budget news is consistent with existing plans. A lower appropriation would have required yet greater reductions. He noted that other Michigan universities are also planning toward staff reduction.

This situation, he acknowledged, is an unpleasant one to be in, but no significant funding improvements brighten the horizon.

On that note, he suggested adjournment, and Mr. Hough obligingly issued the expected call at 4:37 p.m.

Respectfully submitted:  
Jane D. Eberwein  
Secretary to the University Senate

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