

REPORT TO THE UNIVERSITY SENATE
ON STEERING COMMITTEE ACTIVITIES
FOR THE SENATE AND ACADEMIC YEAR 1975-76

During the Senate and academic year 1975-76, the Steering Committee met in formal session a total of 21 times for an average of 2.3 hours per session. Agenda and minutes for each meeting have been maintained and are available for inspection in the Office of the Provost, 207 Varner Hall. Business transacted in the name of the University Senate may be sorted into two categories.

I. Regular Activities:

I. Senate Business

- a. Senate Meetings: The Steering Committee arranged nine meetings of the University Senate, prepared the agendas, authorized the replication and distribution of materials pertinent to them, considered and proposed procedural frameworks for the conduct of special Senate business, routed business to and from the various standing committees and assisted in the development of reports and motions placed on the agendas. The evidence of much of the Steering Committee's activity may be found in the Senate's agendas and minutes, to which the Committee refers the serious scholar as well as the merely curious layman.
- b. Standing Committees: The Steering Committee monitored changes in the committees' membership and chairpersonship throughout the year. The goings and comings of members on and off the standing committees with attendant problems of seeking replacements during the course of the year, should be noted. Because of leaves primarily, but for other reasons as well, the rosters of certain committees have been quite unstable. During winter semester, 1977, when all standing committees must be reconstituted for the 1977-79 Senate term, the Steering Committee may have recommendations on this matter.

The recent innovation of permitting the chairs of standing committees to be occupied by non-senators seems to have occasioned no great difficulty. Not to be able directly to offer formal motions on the Senate floor is awkward to non-senatorial chairpersons but not critically so.

The innovation of requesting the chairpersons of all standing committees to make verbal interim reports on committee activities during the Senate year was well received. These interim reports were regarded as supplemental to the formal written reports requested at the end of the winter semester. The final written reports have been attached to the Senate agenda of September 16, 1976. The Steering Committee publicly, would like to thank the standing committees for their labors during the past year. The

work of the Academic Budget and Planning Committee, Academic Conduct Committee, Academic Policy Committee, Academic Standing and Honors Committee and the Teaching and Learning Committee represents many hours of thoughtful effort resulting in important recommendations for Senate and University action. The special exertions of the Academic Policy Committee and the Academic Budget and Planning Committee during the "position shift layoff" matter demand particular note.

- c. University Planning Committee: Acting in response to the Senate resolution of February 26, 1976, that the Steering Committee select "an appropriate vehicle for a study to be made on the configuration of the University in the future", the Steering Committee worked with the President to develop the charge and membership (confirmed by the Senate) of the new University Planning Committee which has already met.
 - d. Approval of graduation lists, University and school/department honors: This was the first year in which the Steering Committee acted in the Senate's name to consider approval of graduation lists and University honors and to acknowledge receipt of recommendations for school and departmental honors. The new arrangement seems to have worked well, but the total system of multi-level approval is extremely cumbersome.
 - e. Smoking Ban sponsored by the University Congress: The Steering Committee assisted the University Congress to perfect its motion resulting in the Senate resolution of December 11, 1975, supporting a ban on smoking in classrooms.
2. Appeals from the Academic Conduct Committee: The Steering Committee serves as a body to which students may appeal from judgments rendered and penalties imposed by the Academic Conduct Committee. During the year the Steering Committee considered or heard three such appeals, in each case sustaining the Academic Conduct Committee. Additionally the Steering Committee advised certain faculty that its appellate function was confined to student appeals. Further, the Steering Committee advised the Academic Conduct Committee that that Committee's jurisdiction was limited to cases of student misconduct.

II. Special Activities: The Great Constitutional Question (GCQ)

1. Background

- a. During the 1974-75 Senate year various amendments to the Constitution of the Oakland University Senate were adopted by the Senate and ratified (April 1975) under appropriate provisions of the Constitution.

These amendments were presented to the Board of Trustees at its meeting of June 25, 1975, for approval. A quorum being absent, the Board could not take final action at this meeting, but expressed reservations concerning the legal implications of Board approval at that time and called for review of the situation by Mr. James Howlett, University Attorney. This action was ratified by the full Board at its July 23 meeting.

- b. The first meeting of the 1975-1977 Senate term was called for September 18, 1975, for the purpose of electing a new Steering Committee. This election was held under the provisions of Article V, ix as amended on the assumption that the Board of Trustees would speedily approve the amended Constitution.
- c. At its meeting of September 24, 1975, the Board adopted the following Resolution, a copy of which was forwarded to the Steering Committee:

WHEREAS, the Board of Trustees has under Article VII of its Bylaws recognized the University Senate as an organization to advise the President in regard to academic policies and programs, and continues to endorse and support the activities of the University Senate, and

WHEREAS, the Board of Trustees has not heretofore taken formal action to ratify or approve a Constitution of the University Senate as contemplated by Article VII of its Bylaws, and

WHEREAS, the Board of Trustees acknowledges that the Senate has in fact been operating under a Constitution ratified on February 28, 1967, and amended in March, 1969, and that further amendments have recently been proposed for approval by the Board of Trustees, and

WHEREAS, the Board of Trustees believes that it would be appropriate rather than granting its approval of the proposed amendments to request that a new Constitution be drafted in a format which is consistent with the governance documents approved for other advisory bodies within the University.

IT IS THEREFORE RESOLVED as follows:

1. The Board of Trustees reaffirms its support of the University Senate as an organization to advise the President in regard to academic policies and programs.

2. The Board of Trustees recommends to the University Administration and to the Senate that a new Constitution of the University Senate should be drafted which will embody the essential terms of the prior Senate Constitution and the recently proposed amendments thereto in a format which will be consistent with the pattern of governance reflected in Constitutions which have been approved by the Board for other advisory organizations.

Any employment contract affecting the Constitution will relate to and affect only those employees covered by such employment contract.

3. Until such time as a Senate Constitution is submitted to and approved by the Board of Trustees, the Board directs the President to give due consideration to the advisory actions of the Senate which are duly adopted under its current Constitution as amended, but the recognition of such actions shall not be deemed to constitute approval of a Constitution as contemplated by Article VII of the Bylaws.

September 24, 1975

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- d. The Executive Committee of the Oakland University Chapter of the American Association of University Professors on October 16, 1975, adopted the following Resolution, a copy of which was forwarded to the Steering Committee:

WHEREAS, The Board of Trustees of Oakland University passed a Resolution on September 24, 1975, asserting that they have not taken formal action to ratify or approve a Constitution of the University Senate and requests that a new Constitution be drafted and submitted for approval, and

WHEREAS, the Constitution of the University Senate was approved initially by the Board of Trustees of Michigan State University in March of 1967, and

WHEREAS, the Board of Trustees of Oakland University adopted a Resolution at their first meeting, October 13, 1970, which resolves as follows:

It is therefore resolved that the Board of Trustees of Oakland University does hereby ratify, reaffirm, and continue in effect on and after July 1, 1970, all rules, regulations, policies and ordinances governing the University which were in effect at Oakland University as of June 30, 1970, by virtue of actions of the Board of Trustees of Michigan State University, and such rules, regulations, policies, and ordinances shall continue in effect until further action of the Board of Trustees of Oakland University.

and

WHEREAS, all of the previous Faculty Agreements, the first of which was signed in November 1971, have contained the language which appears in paragraphs 96. Educational Policy and 98. Procedural Matters of the 1974-75 Faculty Agreement as follows:

96. EDUCATIONAL POLICY. The enumeration of certain rights and privileges of faculty members in this contract shall not be construed to deny or diminish the existing rights, privileges, and responsibilities of faculty members to participate directly in the formation and recommendation of educational policy within the University and its schools and colleges, as these rights, privileges and responsibilities are described under the appropriate constitutions of the various parts of the University. Changes or modifications in University, school or college procedures which affect the rights, privileges, and responsibilities regarding the formation and recommendation of educational policies will be governed by procedures prescribed in the University, school or college constitutions, as approved by Oakland.

98. PROCEDURAL MATTERS. Existing procedures, policies, and practices of the faculty members and Oakland as outlined by the constitutions of the University and its several schools and colleges and as established by Oakland, shall be continued. Such procedures, policies, and practices shall be subject to modification according to the Constitutions of the University and its several schools and colleges and as accepted by Oakland.

and which supersedes Article VII of the Board of Trustees Bylaws adopted May 8, 1971.

WHEREAS, the Board of Trustees of Oakland University have approved amendments to the Constitution of the University Senate at their meetings on July 8, 1972, and December 22, 1972, and

WHEREAS, the Association recognizes the constitutions of the University Senate and the colleges and schools as the agreed procedure to advise the President in regard to academic policies and programs, and

WHEREAS, the Association recognizes that modifications of the Constitution of the University Senate may occur through negotiations or through the procedures referred to in paragraphs 96. and 98. of the 1974-1975 Faculty Agreement, in which case the Board of Trustees may accept or reject amendments which are proposed through the referendum procedures in the Constitution,

IT IS THEREFORE RESOLVED as follows:

1. The Association asserts that the Board of Trustees of Oakland University has adopted the Constitution of the University Senate as amended in March 1969, July 1972, and December 1972, and with the removal of Article VII (as enacted by paragraph 23. of the 1974-1975 Faculty Agreement.)

2. The Association requests that the Board of Trustees approve the amendments duly submitted to the Board of Trustees at the June 25, 1975 meeting.

3. The Association requests that the University Senate assist the Board of Trustees in its deliberations on these amendments by sending to the Board of Trustees a complete version of the Constitution as described in 1. above, and a copy of the Constitution as it would become if the Board of Trustees accepts all of the amendments which are currently before the Board of Trustees.

4. The Association recognizes with appreciation that the Board of Trustees has resolved that the advisory actions of the Senate are to be given their due consideration, consistent with the provisions of the Constitution.

Approved by the Executive Committee
of the AAUP October 16, 1975

(COPY)

2. Steering Committee Involvement

- a. The Steering Committee considered the Board's Resolution on October 6, 1975, and directed the preparation of a fresh, accurate typescript of the amended Constitution. This was done. The Committee verified that this document was indeed accurate in all particulars on October 20, 1975, and forwarded it to Mr. John De Carlo, Secretary to the Board.
- b. Between October 23, 1975 (date of receipt of AAUP's Resolution) and January 26, 1976, the Steering Committee heard no more of the matter and happily went about its normal business. But on January 26, 1976, the Chair was informed that a draft of a proposed revision of the Constitution prepared by Mr. James Howlett, University Attorney, would be placed on the agenda of the Board's January 28 meeting for discussion. After consideration of the "Howlett Draft" (as the draft was dubbed subsequently by the Steering Committee) the Board approved appointment of a Board subcommittee "to meet with the Steering Committee of the Senate to communicate the Board's interests and concerns regarding the proposed Senate Constitution." (Minutes, Board of Trustees, January 28, 1976, p.17). The Steering Committee was apprised of this step and indicated that it awaited, with respect, but also with diffidence, the meeting with the Board subcommittee: The Committee felt it should hold out for a dinner meeting at Board expense; "the Chair advised the Committee not to stop eating in anticipation" (Minutes, Steering Committee, February 13, 1976).

c. The Chair's admonition was not ill advised for during the next six weeks the Committee was preoccupied with other events and it was not until March 19 (the Committee's fourteenth meeting of the year) in the Meadow Brook Room that the Board's subcommittee, Trustees Saltzman (Chair) and Lewis, at 4:30 p.m. met with the Steering Committee. Coffee was served at the Provost's budgetary expense. To quote from the minutes of that memorable meeting:

- "a. Mr. Lewis explained the Board's position in regards to the question of approval of the Senate Constitution and the April, 1975, amendments. Both Messrs. Saltzman and Lewis stated the Board wished to respect the traditions of governance, but felt certain modifications in language (as suggested in the "Howlett draft") were required due to the emergence of the AAUP's bargaining unit.
- b. Mr. Matthews explained that the Committee could not change the Constitution, that it could recommend amendments, which would need to be approved by the Senate and then sent to the faculty for ratification; he felt it realistic to say that unless AAUP approved such amendments, they would die at the ratification level at least.
- c. Discussion of the issue was general, but Messrs. Hammerle and Hampton took the lead from the Committee's side. Mr. Hampton asked if the Board was familiar with the October 20, (sic) 1975, Resolution of the Executive Committee of AAUP addressed to the Board. Messrs. Saltzman and Lewis said they were not familiar with the document in question, but did understand the AAUP contentions regarding the status of the Constitution to which, however, the Board could not agree.¹ Mr. Saltzman emphasized that he for one thought it best to keep governance matters out of bargaining and suggested the Steering Committee hold any action it might take until the Fall. Mr. Tower tried to determine precisely where the differences between the Board and the AAUP might be in terms of wording in the Constitution.
- d. Messrs. Saltzman and Lewis left at about 5:45 p.m. and discussion in the Committee continued until about 6:45 p.m. The proposition that the Committee attempt to write language agreeable to both sides to be presented to the Senate in Fall, 1976, was considered but no conclusion was reached. It was agreed to resume discussion at the April 2 meeting."

¹On March 24 Mr. Saltzman wrote to Mr. Matthews (for the Steering Committee) thanking the Committee for its courtesies. He stated that a check of the record disclosed that the October 16 AAUP resolution had been distributed to the Board at its October 22 meeting and regreted the lapse of memory.

- d. On April 5 (the meeting of April 2 was totally preempted by other business):

"The great Constitutional crisis of 1975-76 was again discussed. Sentiment seemed to be that the distance between the present constitutional wording and that of the "Howlett Draft" was so great as to preclude an attempt at bridging. But it was agreed that the season is too late now to start such engineering feat and that the issue could better be gained in the Fall. The Chair suggested that since the whole Constitution needed re-vamping anyway, maybe we should create a constitutional convention whose work would be much broader than simply adjusting the Constitution to the concerns of the Board; but whose mandate could encompass this latter end as part of a general overhaul."

and on April 16, the Committee ruminated further on the possibility of going "the convention route for reforming governance."

- e. Meanwhile back at the Senate, on March 18, 1976, certain routine housekeeping amendments to the Constitution of the School of Education were approved by the Senate and shortly thereafter were forwarded to the Board for its approval. On April 28, 1976, the Board adopted the following Resolution concerning the proposed amendments to the Constitution of the School of Education:

WHEREAS, the Board of Trustees on September 24, 1975, affirmed its support of the University Senate as an organization to advise the President in regard to academic policies and programs, and

WHEREAS, the Board of Trustees on the above date did recommend to the University administration and to the University Senate that a new Constitution of the University Senate should be drafted in a format which would be consistent with the pattern of governance reflected in Constitutions which had been approved by the Board of Trustees for other advisory organizations, and

WHEREAS, the Board of Trustees has not heretofore taken formal action to ratify or approve a Constitution of the University Senate or the Constitution of the School of Education, and

WHEREAS, the Constitution of the School of Education and its proposed amendments also relate and refer to the Constitution of the University Senate.

IT IS THEREFORE RESOLVED as follows:

1. The Board of Trustees reaffirms its support of the School of Education, among its other functions as an advisory body to the University Senate and to the President in regard to academic policies and programs.

2. Until such time as a Senate Constitution is submitted to and approved by the Board of Trustees, the Board directs the President to give due consideration to the advisory actions of the School of Education which are duly adopted under its current constitution as amended by the proposed amendments, but the recognition of such actions shall not be deemed to constitute approval of the Constitution of the School of Education.

3. That after the approval of the Constitution of the Senate, it is recommended that the School of Education draft a Constitution which relates to the Constitution of the Senate.

April 28, 1976

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- f. The response of the Steering Committee to this Resolution is found in the Committee minutes of April 30, 1976:

"The Resolution of the Board of Trustees, adopted 4/28/76 concerning the amendments to the Constitution of the School of Education, was distributed. The Great Constitutional Question (GCQ) was thereby once again opened for discussion.

The possibility of using the Constitutional Convention Technique (CCT) to effect a thorough renovation of governance at the University level was discussed with some favor. But it was noted, this time emphatically, that any progress in this direction would depend upon effecting a prior reconciliation between the Board and the "AAUP." The Senate has requested a report on the status of GCQ and on the Steering Committee's role in this matter at the first meeting in September. The Steering Committee indicated its willingness (driven by a sense of obligation but not enthusiasm) to attempt informal exploratory conversations with the "Board" aimed at finding verbal formulas which might be agreeable to both sides. The Steering Committee does not like its role, feeling it is being lured into a difficult even an untenable position vis-a-vis its constituency in the Senate, but does not rule out the possibility of a Steering Committee initiative in this area. We will contemplate our Constitutional navels once again come May graduation list time."

- g. True to its word, at the Committee's meeting of June 2:

"Discussion of Great Constitutional Question (GCQ) was resumed after a blessed pause of more than a month. Matter of meeting with Board members (as per the May 25, 1976 memorandum)² considered in light of rumors (perhaps mistaken) concerning what is on the Oakland-AAUP bargaining table yielded the brilliant suggestion that Messrs. Hammerle and Hampton be asked to check through with AAUP. Suggestion agreed to by Mr. Hammerle with thanks from the entire Committee."

- h. Mr. Hammerle subsequently informed the Chair that governance matters were indeed on the AAUP-Oakland bargaining table and that Mr. Morse, President of the AAUP, felt it inadvisable for the Steering Committee to continue meeting with the Board under the circumstances. Mr. O'Dowd, President of the University, upon query of the Chair, felt the Steering Committee should not deal with the Board concerning governance, so long as governance matters were being negotiated at the bargaining table.

- i. And so endth the reading for 1975-1976.

3. Prolegomenon to all future discussion of governance

²After the April 30 meeting of the Committee, the Chair followed the initiative of the Committee and discussed the possibility of renewed meetings between the Board and the Committee with President O'Dowd. The result was a memo, dated May 25, 1976, from Mr. O'Dowd to Mr. De Carlo with a copy to Mr. Matthews, which reads as follows:

"At the suggestion of the Steering Committee of the University Senate, I have proposed to Mr. Saltzman that two members of the Board of Trustees plan to meet with two members of the Steering Committee to examine those elements of the Senate constitution that may need to be rewritten. Mr. Saltzman has agreed that this would be an appropriate procedure. He suggests that he and Mr. Lewis meet with the two designees of the Steering Committee to determine a satisfactory wording for a University Senate Constitution that will be acceptable to the Board of Trustees and to the faculty.

Would you please work with Mr. Matthews to arrange a meeting between Board members and Steering Committee representatives. Ideally, this process should be completed prior to the beginning of school in September."

- a. As of the date of this writing, the claws of the contending dragons that had the virgin of governance nailed to the bargaining table, have been pried loose. But will St. George and the Knights of the Steering Committee be able to save its honor and spare him further ravishment? Can the warring powers be brought not to the table of bargaining but of peace? Will St. George be censured for immodesty, grieved for impropriety and laid off for insolence? Or will she be pitied for delusions of common sense? Or rebuked for use of improper pronouns and imperfect metaphors? Or none of the above?
- b. Tune in 9/16, 10/21, 11/18 and 12/9 at 3:00 p.m. for more exciting episodes in the Adventures of Gwendolyn/Gwendyyrd Governance.

Respectfully submitted for the Steering Committee:

William Hammerle
Nigel Hampton
Eileen Hitchingham
Virginia Schuldenberg
John Shacklett
John Tower

George T. Matthews, Chairperson

GTM:jb
Office of the Provost
9/9/76