



OAKLAND UNIVERSITY SENATE

Oakland University Senate

2nd Meeting
October 25, 1972

MINUTES

Present: A quorum

Absent: Senators J. Appleton, P. Bertocci, J. Dahlmann, J. Dovaras, R. Gerulaitis, J. Gibson, L. Hetenyi, E. Heubel, R. Hough, J. Jickling, W. P. Johnson, T. Kilburn, R. Light, S. Schultz, W. Sturner, and D. Woodard

Prior to the commencement of the formal meeting, Mr. O'Dowd commented on a recent visit of Legislative Fiscal Agency staff members, Carillot and Murphy, and on their initial negative reaction to the binding fact finding plan for determination of the 1972-73 faculty contract.

Mr. O'Dowd called the meeting to order at 3:35 p.m., and welcomed new member Kenneth Young from the School of Economics and Management.

Mr. Susskind, seconded by Mr. Pettengill, moved approval of the minutes of the following meetings:

11th Meeting - April 26, 1972
12th Meeting - May 2, 1972
13th Meeting - May 3, 1972
14th Meeting - June 19, 1972
1st Meeting - September 28, 1972

Approved.

A. New Business

1. Mr. Obear moved that the University Senate approve replacements and reappointments to the Standing Committees as designated by the letters "N" and "R" on a Standing Committee list distributed with the meeting agenda. Seconded by Mr. Bricker. Procedural motion eligible for final vote. Mr. Obear explained that, if the motion were approved, Professor Braunstein would serve as Acting Chairman of the Teaching and Learning Committee, since he does not have senatorial status. Questions were raised concerning the accuracy of the Standing Committee list. Mr. Obear agreed that the following corrections should be made to the list:

a. Academic Policy Committee: Delete the "N" designation by the name of David

Doane.

b. Academic Conduct Committee: Add "James Ozinga (1)" to the list.

Approved with corrections noted above.

2. Mr. Torch moved an amendment to the Constitution of the College of Arts and Sciences concerning the selection of the Dean. Seconded by Mr. Beardman. First Reading.

THAT ARTICLE I, SECT. v, para. 2, OF THE CONSTITUTION OF THE COLLEGE OF ARTS AND SCIENCES BE REPLACED WITH PARAGRAPHS 2, 3, AND 4 BELOW; THAT SECTION vi BELOW REPLACE CURRENT SECTION vi; THAT CURRENT SECTION vi BE RENUMBERED SECTION viii; AND THAT SECTION vii BELOW BE ADDED TO THE CONSTITUTION.

2. The Dean shall be appointed by the Board of Trustees, upon recommendation of the Provost and the President, following the procedures of Article I (vi).

3. The Provost may review the Dean's appointment at any time he deems necessary, but the review must be conducted at least once every five years. The procedures for the review are given in Article I (vii).

4. In unusual situations where there is not enough time to complete the procedures in Article I (vi) before the incumbent Dean leaves the office, the Provost, following consultation with the Executive Committee and all department chairmen, shall appoint an Acting Dean. The term of office of an Acting Dean shall not exceed one year, renewable. During the tenure of the Acting Dean, the procedures of Article I (vi) shall be in effect.

vi. Before appointment of a new Dean to the College of Arts and Sciences there shall be a Search Committee established.

1. The Search Committee shall consist of one faculty member from each of the four instructional groupings (at least two of whom shall be tenured), a non-tenured faculty member at large, and a faculty member from outside the College of Arts and Sciences.

a. The Executive Committee of the College of Arts and Sciences shall nominate two faculty members from each instructional grouping and two non-tenured faculty members at large. Additional nominees, for any of these five positions, can be added to the ballot by petition from twelve faculty members. The election shall be conducted by the Elections Committee with all members of the Assembly of the College of Arts and Sciences eligible to vote for their choice in each of the five categories.

b. The faculty members from outside the College shall be selected by the Provost with the approval of the Executive Committee of the College of

Arts and Sciences.

c. The Search Committee shall elect its own chairman.

2. The Search Committee shall be responsible for soliciting nominees, assessing their qualifications, arranging for interviews and recommending to the Provost the person to be appointed Dean. The Committee shall determine its own procedures of operation. These procedures must include consultation with all department chairmen before a recommendation is made to the Provost. The Provost can veto the nomination, in which case the Search Committee prepares a new recommendation. When the Provost and the Search Committee agree on a candidate for appointment as Dean, the name will be submitted to the Assembly for a secret referendum conducted by the Elections Committee of the Assembly. If more than fifty percent of the Assembly vote against the appointment, a new candidate must be considered. Otherwise the Provost can either proceed with the appointment of the candidate or request further recommendations from the Search Committee.

vii. When reviewing the incumbent Dean's appointment, the Provost (or his delegate) shall be assisted by a panel of three faculty from Arts and Sciences.

1. The faculty members of the review panel, including at least one non-tenured member, shall be elected by the Assembly. The Executive Committee of the College shall nominate a slate of six candidates, including at least two non-tenured members of the faculty of the College. Additional nominations may be made by a petition signed by twelve members of the Assembly.

2. The review shall be conducted in two stages: (a) a survey of opinion solicited by the panel through individual and group interviews, and (b) a referendum,

a. The Provost and the review panel shall function as an interviewing team to discuss the Dean's reappointment with a widely representative sample of individuals and groups. They shall meet with the assembled department chairman and inner college heads, with the Assembly Executive Committee, and with all other groups they deem necessary or which seek an interview. In addition, they will conduct private interviews with as wide a range of individuals as possible, including tenured and non-tenured members of every department and inner college. The panel will also inform the University that it will be available for interviews with all individuals or groups who seek them, and that it will read any signed, written communications which are presented to it concerning the Dean's reappointment.

b. After the review panel has conducted its interviews and assembled all information it deems necessary, it will submit a recommendation to the Provost. If the recommendation is a positive one, the Provost must submit it to an Assembly referendum and consider the results. However, even if both the recommendation and the referendum are positive, he may choose not to reappoint the Dean. If the recommendation of the

review panel is negative, he may submit it for referendum at his discretion, and the Dean may be reappointed if not opposed by a majority of the Assembly. However, in no instance shall a Dean be reappointed if more than 50% of the Assembly oppose the reappointment.

c. The complete review procedures, including the referendum, must be carried on during a regular: fall or winter term, and at least six weeks must be set aside for the process.

d. In the event the Dean is not reappointed, the search procedures specified in Article I (vi) shall be put into operation.

Because of his position as Acting Dean of the College, Mr. Torch deferred to his colleagues on the Executive Committee of the College for opening arguments. Mr. McKay made an initial brief presentation outlining the history of the amendment, its approval by the Assembly of the College of Arts and Sciences, and the delay between Assembly approval and requested consideration of the proposed amendment. He characterized the faculty role in the new selection process as an "innocuous one" since a greater than 50% vote of the entire Assembly is required to veto a candidate. He further stated that the process for Dean review had been revised to maintain consistency with the process for Dean selection. Mr. McKay then invited Provost Obear to speak against the amendment.

Mr. Obear stated a number of objections to the amendment: its cumbersome procedural character; the fact that a search committee and voting procedure is disadvantageous since it is not an impressive way to approach candidates and hence may lessen the chances of attracting good candidates; the process proposed is too time consuming on individuals with other responsibilities; the veto ballot raises serious breach of confidence possibilities and tends to put any candidate who reaches the ballot stage in a difficult position with respect to his or her current university post; the amendment does not guarantee any input from the Provost until after the Search Committee recommendation has been made; the amendment is an abrogation of the authority of the Board of Trustees; and the limited role explicitly granted the Provost in the selection process fails to recognize that the Provost is personally responsible for the actions and decisions of his Deans.

In response to a question, Mr. O'Dowd stated that although he did not believe every amendment to a school or college constitution required Board approval, the importance of this issue made it necessary that the amendment be submitted to the Board.

Mr. McKay continued his comments, responding in part to the statements of the Provost. He stated that the Dean has a substantial role in representing the academic interests of the faculty and that the new procedure properly recognizes this role. The procedure is admittedly complex, but complexity should not be attacked if it gets the job done. The Search Committee is a strong vehicle since faculty are the major component of the committee and potential candidates will be impressed by this faculty strength. He believes that the Search Committee will be able to rely on the administrative apparatus of the university to expedite the search procedure.

Mr. Mascitelli stated that in his reading of section vi.2. the Provost is not excluded from Search

Committee deliberations and he assumes that in fact the Provost would be involved in a significant way. Mr. Obeare responded that in spite of assumptions which anyone might make, involvement of the Provost is not specified in vi.2. He stated also that what is important is the perception in the minds of candidates as to who is approaching them. He further added that the current procedure permits extensive faculty participation and that there has been, in fact, extensive faculty participation in the appointment and reappointment of deans. Mr. Torgoff stated that whether the Provost had been a "fair guy" was not at issue. What the faculty want are structural safeguards. He stated a preference for a sloppy democracy over an efficient dictatorship. Mr. Obeare responded that he did not object to faculty safeguards but did object to too much restriction of administrative and Board responsibility.

Mr. Beardman noted that this amendment will codify a guarantee of an input balance between faculty and administration in dean selection. Mr. Burke commented that, with respect to the constitutional authority of the Board, the delegation of authority which is asked by the amendment is so reasonable that for the Board to be unwilling to make that delegation is inconceivable.

Mr. Williamson noted that the Assembly of the College of Arts and Sciences voted 121-23 by referendum in favor of this amendment and he asked the Senate to honor this vote.

Mr. Bricker stated that he assumed the Board will turn down this amendment based on the negative recommendation of the Provost, and questioned why the Senate should put itself in this position. Mr. McKay responded that if the Board does not need faculty input, then there is no need for the Senate, Assembly, or faculty committees. He reemphasized a number of points: the role of the dean is important; a veto vote will be very difficult to obtain; and for the dean to function effectively the faculty must believe he represents their interests. Mr. McKay warned that if the prerogative for dean selection is retained by the Board, the dean's role will become less effective. He further stated that if collective bargaining were an issue in this context, we should recognize we are now in an area where the dean must be seen as representing both union and management. He noted the relevance of Mr. O'Dowd's remarks concerning legislative control of the University which had been made informally before the commencement of this meeting and stated that a large number of issues will be settled by external agencies if the Board refuses to relinquish control through these amendments.

Mr. O'Dowd raised a concern about the voting procedure. A strong candidate who is well established in another institution may be reluctant to submit to an election which, if he loses, will reduce his currency on his home campus. He further noted that in his own experience he finds that the more senior the official making the approach, the stronger the approach is. The strongest approach in a presidential search is that made by the chairman of the board.

Mr. McKay responded to Mr. O'Dowd's comments by stating that he felt a veto was an unlikely result of a vote because of the committee's knowledge of what the vote will do. He stated that any dean he would want would in turn want to be assured of majority faculty support before accepting a position. Several senators then indicated that this issue and the next issue on the agenda were related and, with general agreement, the Senate moved on to consider A.3.

3. Mr. Torch moved the amendment to the Constitution of the College of Arts and Sciences relating to the appointment of department chairpersons. Seconded by Mr. Williamson. First reading.

a. THAT PARAGRAPHS vi.I.c. AND vi.I.d. OF ARTICLE I (OR PARAGRAPH viii.I.c. AND viii.I.d. IF THE AMENDMENT UNDER I ABOVE IS APPROVED) BE REPLACED WITH THE FOLLOWING WORDING:

c. Before recommending appointment or reappointment of a chairman, the Dean must follow the procedures specified in the bylaws.

d. In unusual circumstances the Dean may appoint an executive officer over a department, after consultation with the Executive Committee of the College of Arts and Sciences, the President, the Provost and with all department chairmen.

Mr. Marz stated that he had both been a chairman and not been a chairman and declared that "not being a chairman is better". He found the amendment to be highly structured, but from a personal standpoint would be happy to go through a procedure like this en route to accepting a chairmanship.

Mr. McKay expressed a wish to call on Vice Provost Matthews to verify that the proposed amendment is identical to procedures recently used in Arts and Sciences except for the vote which is involved. Mr. Matthews agreed that the proposed procedure is generally the same, with the exception of the vote. He further called to the attention of the Senate that there is a difference between a dean and a department chairman, but maintained private counsel as to what that difference was.

Mr. Susskind expressed belief that the sentence in Bylaw I.a. (page 5 of the agenda) reading: "A majority of the committee shall be tenured" was redundant. After brief discussion, it was generally agreed that this was so.

Mr. Obear inquired of Mr. McKay what "stipulation" meant in Bylaw I.a. Mr. McKay responded that it meant committee size and the amount of outside representation.

Mr. Beardman, recognizing that his memory was incomplete in this area, asked if the proposed procedure were not already utilized by the School of Economics and Management. Mr. Obear agreed to provide information about the School of Economics and Management constitutional provision at the next meeting.

The meeting was adjourned at 5:05 p.m. on the motion of Mr. Bricker, seconded by Mr. Beardman.

Submitted by:
Robert H. Bungler
Secretary, University Senate

Provost's Office/er
11/13/72

Note: Standing Committees have been asked by the Steering Committee to report on their 1971-72 activities. Several reports are attached. As others are received, they will be distributed with the minutes of subsequent meetings.

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