



OAKLAND UNIVERSITY SENATE

Oakland University Senate

Third Meeting
Thursday, December 5, 1974
3:15 p.m.
128-130 Oakland Center

AGENDA

Submitted by Frederick W. Obear, for the Steering Committee.

A. Old Business

I. Motions concerning amendments to the Senate Constitution (Mr. Tower)

Note: All motions are in second reading and are eligible for final vote. In the motions, underlined material is new and would be added; bracketed material is existing and would be deleted.

Because of confusion generated by the agenda format of these amendments at previous meetings, that format is being changed. The motions presented below are those the Steering Committee has actually placed on the floor; they include any modifications which the Steering Committee has made in the *ad hoc* Committee recommendations.

a. THAT ARTICLE V, SECTION i BE DELETED IN ITS ENTIRETY AND REPLACED WITH THE FOLLOWING:

i. The University Senate shall be composed of twenty-nine Senators, as follows:

Nineteen Senators shall be elected by the organized faculties.

One Senator shall be elected from among the Administrative and Professional staffs, and three Deans shall be elected by and from the Deans of the organized faculties and the Dean of Graduate Study, in a manner to be prescribed by the Elections Committee of the University Senate.

Three students shall be chosen by the students of Oakland University. Both graduate and undergraduate students shall have the right to run for and be elected to these seats.

The Provost shall serve *ex officio* with full voting rights and privileges

Two Senators shall be appointed by the President after all the elective seats have been filled.

Comment: From the *ad hoc* Committee Report:

The size of the Senate has already expanded, and with the creation of new schools could soon be expected to approach seventy. It is the conviction of all of us that this number is too large for an academic legislative body which has any hope of effectiveness. Without changing the proportions of representation very much (except to increase relatively the representation of the students) we have therefore proposed reducing the size of the Senate to twenty-nine -- about as large as we believe will be conducive to its effective functioning, and adjusted representation accordingly. It is intended that this size remain constant regardless of future change in institutional structure.

Substitute motion (Matthews, Torch):

THAT ARTICLE V, SECTION i BE DELETED IN ITS ENTIRETY AND REPLACED WITH THE FOLLOWING;

i. The membership of the University Senate shall be as follows:

Twenty-one Senators shall be elected by the Organized Faculties of the University.

One Senator shall be elected from among the Administrative and Professional staffs.

Three Senators shall be students chosen by students. Both graduate and undergraduate students shall have the right to run for and be elected to these seats.

The Provost of the University shall serve *ex officio* with full voting rights and privileges.

The Dean of each Organized Faculty and the Dean of Graduate Study shall serve *ex officio* with full voting rights and privileges.

Two Senators shall be appointed by the President after all elective seats have been filled.

Comment from Mr. Matthews: The purpose of this Substitute Amendment is clearly to assure that the Deans of Organized Faculties (and the Dean of Graduate Study) will be seated in the Senate *ex officio* and voting. This purpose cannot be accomplished within a membership limited to 29 as called for in Motion 1.a. without cutting unduly into the representation of other constituencies. Therefore, this Substitute Motion increases faculty membership to 21 and stipulates no upper limit to the size of the Senate.

b. THAT ARTICLE V, SECTION ii BE AMENDED AS FOLLOWS:

ii. Beginning with the winter semester, 1967, and every two years thereafter, the elected faculty membership of the Senate shall be apportioned as follows: Elective seats shall be assigned by the Elections Committee of the University Senate among the faculties in proportion to the number of members of organized faculties, with the proviso that no organized faculty shall be awarded more than forty-nine percent of the seats in the Senate, and that each organized faculty shall receive a minimum of one elective seat [in addition to the Dean of that faculty who sits *ex officio*. For the election of 1967 only, Senators shall be assigned as described in this article, except that full-time faculty of all ranks shall be the basis of assignment.] Until such

time as a procedure for electing Senators has been approved as part of a faculty constitution, the manner of electing the appropriate number of Senators from each faculty shall be prescribed by the Elections Committee. Until such time as a procedure for the election of student Senators has been developed by the students and approved by the University Senate, the manner of choosing student Senators shall be prescribed by the Elections Committee.

Amendment (Matthews, L. Gerulaitis):

THAT THE PHRASE "in addition to the Dean of that faculty who sits *ex officio*" NOT BE DELETED.

c. THAT ARTICLE V, SECTION ix BE CHANGED AS FOLLOWS:

ix. The University Senate shall have a Steering Committee composed of the Provost of the University, who shall serve as chairman, and six other Senators elected at the first Senate meeting of the fall semester. The Committee's term of office shall be two years. [At least one Senator from the College of Arts and Sciences, one from the School of Engineering, and one from the School of Education shall sit on the Committee, and] No more than three seats shall be held by Senators from any one faculty.

Comment: The proposed language will continue to limit representation from any given organized faculty while not prejudicing representation from newly organized faculties as they come into existence.

Amendment (Hetenyi, Gardiner):

THAT, IN THE FINAL SENTENCE, THE WORD "three" BE CHANGED TO "two".

d. THAT A NEW PROVISION BE ESTABLISHED IN ARTICLE V, SECTION x, AS FOLLOWS:

(The Steering Committee shall ...)

7. recommend, in place of the Senate, candidates for undergraduate degrees in course.

Amendment (Bingham, Matthews):

THAT "and candidates for university honors" BE ADDED AT THE END OF THE SENTENCE.

Comment: If this amendment is approved, it is the intent of the current Steering Committee to delegate the degree and honors approval function to the Academic Standing and Honors Committee.

e. THAT ARTICLE V, SECTION xii BE AMENDED AS FOLLOWS:

The University Senate shall establish other standing committees and *ad hoc* committees as it deems necessary. Unless otherwise specified by the Senate, the term of office for all standing committees shall be two years with members serving until new committees have been elected to replace them. [Every Senate Committee shall be chaired by a Senator but] Committee

membership shall not be restricted to Senators. Whenever a committee of the University Senate is presenting a motion or making a report, all members of the committee shall have the right to attend that meeting of the Senate and take part in debate, but only Senators shall have the power to vote on the report or the motion.

Comment: This amendment would operate to avoid overburdening Senators unnecessarily ?- especially since it is proposed that their number be reduced.

f. THAT THE CURRENT ARTICLE I BE DELETED AND THAT THE FOLLOWING BE SUBSTITUTED THEREFORE AS AN APPENDIX:

Oakland University, originally established by the Board of Trustees of Michigan State University in 1957, was granted independent status in 1970 as a baccalaureate institution in accordance with a joint act of the Michigan Legislature which is quoted in its entirety as follows:

AN ACT to establish an institution of higher education having authority to grant baccalaureate degrees, known as Oakland university; to provide for the board of control, the organization of such board and the vesting of assets in such board; and granting and confirming the powers of such board.

The People of the State of Michigan enact:

Sec. 1. There is established a state institution of higher education having authority to grant baccalaureate degrees, known as Oakland university to be located in Oakland county. The institution shall be maintained by the state and its facilities shall be made available equally and upon the same basis to all qualified residents of this state. The institution shall be governed by a board of control which shall be a body corporate. The board of control shall have general supervision of the institution and the control and direction of all expenditures from the institution's funds. Until changed by resolution of the board, the body corporate shall be known as the "board of control of Oakland university", hereinafter referred to as "the board" with the right of suing and being sued, adopting a seal and altering the same.

Sec. 2. The board shall consist of 8 members who shall hold office for terms of 8 years and who shall be appointed by the governor by and with the advice and consent of the senate, except of the members first appointed 2 shall serve for 2 years, 2 for 4 years, 2 for 6 years, and 2 for 8 years. The president of the Institution shall be ex officio a member of the board without the right to vote.

Sec. 3. The board shall elect from its membership a chairman and such other officers as it deems necessary. Officers shall serve terms of 1 year and until their successors shall have been elected and qualified. The board shall also appoint a president, a secretary, a treasurer and other such officers as it deems necessary. Before permitting the treasurer to enter upon the duties of his office, the board shall require him to file his bond to the people of this state with such sureties and in such sum not less than the amount of money likely to be in his possession as the board may designate. No officer shall have the power to incur obligations or to dispose of the board's property or funds, except in pursuance of a vote of the board.

Sec. 4. A majority of the members of the board shall form a quorum for the transaction of

business. The board by majority vote of its membership may enact rules, bylaws and regulations for the conduct of its business and for the government of the institution and amend same; fix tuition and other fees and charges, appoint and remove personnel as the Interests of the Institution, the mandates of due process, and the policy of the institution on academic tenure may require, determine the compensation to be paid for services and materials, confer such degrees and grant such diplomas as are usually conferred or granted by other similar institutions, offer technical, vocational and occupational programs of less than 4 years collegiate degree level, receive, hold and manage any gift, grant, bequest or devise of funds or property, real or personal, absolutely or in trust, to promote any of the purposes of the college, enter into any agreements, not inconsistent with this act, as may be desirable in the conduct of its affairs, and in behalf of the state lease or dispose of any property which comes into its possession, provided that in so doing it shall not violate any condition or trust to which such property may be subject. The board shall assume and agree to pay any and all liabilities heretofore incurred by the board of trustees of Michigan state university for and on behalf of Oakland university, effective with the date of this act. This act is intended to implement, clarify and confirm in the board the constitutional powers customarily exercised by the board of control of institutions of higher education established by law having authority to grant baccalaureate degrees. Enumeration of powers in this act shall not be deemed to exclude any such powers not expressly excluded by law.

Sec. 5. The present assets and facilities of the Oakland branch of Michigan state university constitute the properties of Oakland university and upon the effective date of this act, transfer of the properties shall be made to Oakland university.

Sec. 6. The board shall not borrow money on its general faith and credit, nor create any liens upon its property except as herein provided. The board may acquire land or acquire or erect buildings or alter, equip or maintain them, to be used as residence halls, apartments, dining facilities, student centers, health centers, parking structures, stadiums, athletic fields, gymnasiums, auditoriums and other educational facilities. After the legislature by concurrent resolution has approved the acquisition or construction of such facilities, the board may borrow money issuing notes or bonds under such terms and provisions as it deems best to finance or refinance such facilities, the necessary site or sites therefore, and including, but not limited to, capitalized interest and a debt service reserve in connection with such notes or bonds, and shall obligate itself for the repayment thereof, together with interest thereon, solely out of (a) income and revenues from such facilities, or other such facilities heretofore or hereafter acquired, (b) special fees and charges required to be paid by the students deemed by it to be benefited thereby, (c) funds to be received as gifts, grants or otherwise from the state or federal government or any agency thereof or any public or private donor, if, prior to issuance of such notes or bonds, the state, federal government or agency thereof or other donor has contracted to pay to the board or to the holder of such notes or bonds definite amounts of money as determined by formula or otherwise, (d) the proceeds of or delivery of any notes or bonds issued hereunder, and (e) any combination of (a), (b), (c), and (d).

Sec. 7. Bonds, notes or other obligations issued under the provision of this act shall not be purchased by the state of Michigan.

Sec. 8. The board may adopt, amend and repeal such ordinances, not inconsistent with this act, as it may deem necessary and in the interest of the health, safety, and welfare of persons using the property and facilities of Oakland university. Such ordinances shall be adopted by

affirmative vote of the majority of the board, to be effective upon the date of publication of the ordinance. The violation of any such ordinance shall be a misdemeanor punishable by a fine of not more than \$100.00 or imprisonment for not more than 90 days or both.

Sec. 9. This act shall become effective July 1, 1970.

Amendment (Matthews, H. Burdick):

THAT THE FOLLOWING BE ADDED AFTER SECTION 9:

Recognition of the University Senate is contained in Article VII of the By-Laws of the Board of Trustees of Oakland University which reads as follows:

The Board of Trustees recognizes the University Senate as an organization to advise the President in regard to academic policies and programs. The University Senate shall be organized and shall function in accordance with such Constitution of the University Senate as may be approved or amended by resolution of the Board of Trustees.

g. (1) THAT THE CURRENT ARTICLE IV SECTION ii BE CHANGED TO READ:

(The University Senate shall:) ... ii. recommend to the President and through him to the Board of Trustees candidates for undergraduate degrees in course, and candidates for university honors;

(2) THAT THE LAST SENTENCE OF ARTICLE V, SECTION viii BE CHANGED TO READ:

Upon the demand of more than one fourth of the Senators present and voting, one hearing open to the faculty and staff shall be held before the second reading of any substantive motion;

(3) THAT THE WORD "CHANCELLOR" BE REPLACED WITH "PRESIDENT" WHEREVER APPEARING:

(4) THAT THE DOCUMENT BE TITLED "THE CONSTITUTION OF THE OAKLAND UNIVERSITY SENATE";

(5) THAT AMENDMENT I (GRADUATE COUNCIL) BE INCLUDED AS A NUMBERED ARTICLE AND THAT A NEW SECTION iv THEREOF BE APPROVED, READING AS FOLLOWS:

iv. The Graduate Council shall be responsible for the recommendation to the President and through him to the Board of Trustees all candidates for graduate degrees.

(6) THAT RENUMBERING OF ARTICLES AND REFERENCES THERETO BE PERMITTED AS MADE NECESSARY BY THE APPROVAL OF THESE AMENDMENTS.

Comment: The Steering Committee perceives the above items to be procedural in character

and hence presents them as a single amendment.

h. THAT ARTICLE VII BE DELETED.

Comment: The Steering Committee perceives this amendment to be procedural in the sense that it is needed to bring the Constitution into consonance with the 1974-75 Faculty Agreement.

i. THAT ARTICLE IX BE CHANGED TO READ:

AMENDMENT

i. The University Senate shall have the right to propose amendments to the Constitution. After distribution to the members of the organized faculties and following an open hearing, a proposed amendment shall be submitted to the members of the organized faculties for ratification. If an amendment is ratified by a majority of the returned valid ballots in a mail referendum, it shall be submitted to the Board of Trustees for approval. An amendment shall be effective following approval by the Board of Trustees.

ii. The Constitution must be amended by the Senate so that it is in consonance with the Faculty Agreement negotiated between the Board of Trustees and the faculty bargaining unit. Amendments of this type are procedural motions and do not require a mail referendum.

Comment: This amendment did not arise from the *ad hoc* Committee, but is proposed by the Steering Committee to recognize in the governance document the necessity of having alternate amendment procedures in light of collective bargaining.

Substitute motion (Matthews, Hetenyi):

THAT ARTICLE IX BE CHANGED TO READ;

i. The following are the procedures by means of which this Constitution may be amended.

a. To the extent that the provisions of this Constitution may be found to be in conflict with the terms of a collective bargaining agreement negotiated between the Board of Trustees and a bargaining unit, the terms of the collective bargaining agreement shall control. Upon signature by both parties of the collective bargaining agreement, the Director of Employment Relations shall announce the required amendments to this Constitution to the Senate membership and its several constituencies.

b. To the extent that the provisions of this Constitution may be found to be in conflict with the terms of an agreement reached between the Board of Trustees and the Administrative- Professional Association or the University Congress, the terms of the agreement shall control. The President of the University shall in such case announce the required amendments to this Constitution to the Senate membership

and its several constituencies.

c. In addition to the amendment procedures specified in i, a and b of this Article, the University Senate also shall have the right to propose amendments to the Constitution. After distribution to the members of the organized faculties and following an open hearing, a proposed amendment shall be submitted to the members of the organized faculties for ratification. If an amendment is ratified by a majority of the returned valid ballots in a mail referendum, it shall be submitted to the Board of Trustees for approval. An amendment shall be effective following approval by the Board of Trustees.

B. New Business

1. Election of Steering Committee Member (Mr. Light)

Comment: Mr. Tower has resigned from the Steering Committee. A replacement is needed to fill out Mr. Tower's term commencing January 1, 1975.

Procedural motion, eligible for final vote.

2. Motion from the Steering Committee (Mr. Obear)

THAT THE FOLLOWING BE NAMED TO STANDING COMMITTEES FOR TERMS AS INDICATED:

ACADEMIC CONDUCT COMMITTEE

MEL JORDAN (from alternate to regular member through August 14, 1975)

STEVE MILLER (alternate member through August 14, 1976)

ACADEMIC STANDING AND HONORS COMMITTEE

DAVID JAYMES (to fill the position to be vacated by Peter Bertocci; through August 14, 1975)

Procedural motion, eligible for final vote.

3. Information items.

a. In view of discussion at the November Senate meeting and of other communications, the Steering Committee will attempt during the winter 1975 term to present to the Senate nominations for fall, 1975 committee appointments.

b. An updated list of standing committee charges and membership specifications is attached.

Office of the Provost/ss
11/74

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OAKLAND UNIVERSITY

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