

Approved: November 13, 2018

2018-2019: Meeting # 2

**MICHIGAN STATE UNIVERSITY
FACULTY SENATE APPROVED MINUTES
OCTOBER 9, 2018 3:15 PM
115 INTERNATIONAL CENTER**

Present: W. Banzhaf, R. Bellon, G. Benitez, D. Blankfein-Tabachnick, A. Borcila, J. Cholewicki, L. Cloud, R. Conner-Warren, A. Contreras, T. Curry, J. Dulebohn, A. Dunn, P. Eisenlohr, D. Ewoldsen, L. Fernandez, L. Fleck, D. Foran, J. Goddeeris, J. Goldbort, D. Gould, J. Guzzetta, D. Handspike, B. Holtz, G. Hoppenstand, R. Isaacs, J. Johnson, M. Kaplowitz, R. LaDuca, L. Lapidus, M. Lee, N. Li, Y. Liu, S. Logan, E. Marcyk-Taylor, M. Mazei-Robison, L. McCabe, M. Mechtel, J. Meier, R. Miksicek, D. Miner, D. Moriarty, B. Mullan, W. Nesbitt, F. Nunes, R. Ofoli, A. Olomu, N. Parameswaran, D. Polischuk, D. Rivera, E. Rosser, J. Slade, N. Smeltekop, G. Stone, G. Swain, Z. Szendrei, M. Tai, R. Tegtmeier, A. Tickner, L. Tortorelli, M. Waddell, D. Westrin, D. Wilson, G. Wittenbaum, J. Youatt, A. Zeleke.

Absent: B. Beekman, Y. Bolumole, B. Burke, J. Engler, K. Foley, E. Frantz, K. Hampton, M. Johnson, L. Mansfield, M. Miklavcic, R. Root, R. Schwab, J. Seita, P. Soranno, E. Strangas, E. Torrez, J. Vargas, A. Wheeler, P. White

1. CALL TO ORDER

The meeting was called to order at 3:15pm.

2. Approval of Agenda for October 9, 2018

The **agenda for October 9, 2018** was approved as amended, having John Beck deferred for November, and adding Dismissal for Cause from UCFA. A motion to approve the amended agenda was made and seconded. The motion carried.

3. Approval of Draft Minutes for September 11, 2018

The **minutes for September 11, 2018** were approved as distributed.

4. President's Remarks: Interim President John Engler (unable to attend)

5. Provost's Remarks: Dr. June Youatt

Provost Youatt deferred her remarks due to she thought John Beck was attending.

6. Chairperson's Remarks: Dr. Rob LaDuca

Dr. LaDuca stated that he wanted to let the Faculty Senate know that Dr. Isaacs had sent a message stating that there are voting student and faculty members on their Board Subcommittee at Wayne State University. And, while Subcommittee members at Wayne State do not have final power to have any vote in selection of the President, they employ a step in the right direction by having student and faculty membership of the Board Subcommittee structure, with both voice and vote. He noted that he forwards this information along because such a practice is part of Wayne State's By-Laws, adding that it is not just a matter of practice at Wayne State, it is a matter of policy. Dr. LaDuca said that he forwarded this information on to the Board of Trustees at MSU. He stated that Diane Byrum wrote him

back, greatly surprised that this situation existed at Wayne State. She said she would take it under advisement with the MSU Board of Trustees. He added that while the Board of Trustees of Michigan State University has made clear that they do not see any expansion of the Board of Trustees itself, he said that he feels this is a method where students and faculty stakeholders at MSU can have voice and vote.

Dr. Andaluna Borcila stated: “I didn't know we were going to talk about this, or you would mention it today. Thank you. I think this was brought up in reference to the comment that was made about the proposal that we endorsed being unconstitutional. I think that the fact that there is voting for students and faculty at Wayne State shows that within the constraints of the [State of Michigan] Constitution there are changes that we can adopt. I think that we should think about how it aligns with the Proposal we've endorsed. Also, if we are thinking about the Wayne State bylaws we should think also about what the limitations are to that structure and, again, about how we might want to adapt it to what we want. But all this would need to go through academic governance processes, and, again, Faculty Senate [needs] to talk about it and we should think about how it aligns with what we've endorsed.”

7. NEW BUSINESS

7.1. University Committee on Curriculum (UCC) Report, Professor Marci Mechtel, UCC Chairperson ([Long Report](#), [click on link](#))

Dr. Mechtel reported that 18 program changes are forthcoming, and no program deletions. She noted that the UCC also processed 51 new courses, 60 course changes, and 33 course deletions. Regarding moratoriums, she said that a moratorium extension in the Creative Writing Minor was approved, effective Fall Semester of 2017 to Summer Semester of 2020. A moratorium in the Food Safety and Toxicology Graduate Certificate was also approved, effective Spring Semester of 2019. A moratorium in the Food Safety Graduate Specialization was approved, effective Spring Semester of 2019 to Summer Semester of 2019. A moratorium extension in the Quantitative Biology Dual Major PhD was approved, effective Spring Semester of 2018 to Spring Semester of 2021, and a moratorium in Religion in the Americas Minor was approved, effective Fall Semester of 2018 to Fall Semester of 2019.

A motion was made to approve the UCC Report and was seconded. **The motion carried.** Discussion ensued.

7.2. Search Committee Listening Session Meeting Notes, Request to Make Them Widely Available ASAP, Dr. Rob LaDuca

Dr. LaDuca stated that the next item is a proposal that was brought forward from the At-Large Members of the Steering Committee. He said that in light of the fact that notes were taken at all of the Presidential Search Committee's “input sessions,” and that such meetings are indeed public and open, that the faculty respectfully requested that such notes be made available to all MSU stakeholders. He added that doing this would eliminate any adversarial relationships and need for FOIA requests from these input sessions, and the Board of Trustees has agreed. He stated that the Board of Trustees will be compiling the notes from the input session, and placing them on the Presidential Search website.

7.3. University Council Presidential Search Committee Proposal, Accepted MSU Practice, Professor Deborah Moriarty

Professor Deborah Moriarty was recognized to speak. She stated: “You all may remember at the University Council meeting, there was considerable discussion about the concern that there were four Board of Trustees members on the Presidential Search Committee, and that they would be voting members of that Committee. The Proposal is to have the Presidential Search Committee operate the way search committees in colleges do. In colleges, you have a search committee that has members of the search committee, and you have a Dean who is perhaps attending search committee meetings, but does not vote, and then the search committee gives the Dean a list of qualified candidates, and then the Dean has the responsibility of putting someone forward. The Proposal is that the Presidential Search Committee operate in the same way, so that the Board of Trustees, who make the final decision under the Constitution, would not be voting members of the Search Committee, but they would have voice on the [Presidential] Search Committee.”

Professor Moriarty added that: “This is something that I think we want to have. It should also go to University Council and, of course, all of you were also on University Council because this also involves Deans and involve students. I wanted to bring it forward today just to see if there was discussion the people wanted to have before it goes to University Council.”

Dr. Andaluna Borcila stated: “Thank you. I thank you for making the request, Dr. LaDuca and Dr. Moriarty. I think they're more than reasonable. I think they're, in fact, modest. I appreciate them, I won't vote against them. I wouldn't if there was a vote, I appreciated that. There are a couple of issues and discussion that I like to bring up.”

Dr. Borcila stated: “Faculty and students have raised a whole set of very serious concerns at Faculty Senate and University Council. They've proposed a whole range of solutions from having Board Members step down, to having more faculty representation and student representation. Also, we have endorsed the Proposal for an open search process. I don't want to lose these broader concerns, as well as I don't want to stop pushing for the open search process that we've endorsed. I'm thinking about how to put this motion forward for action...I'm thinking how it's going to be used because what I don't want it to be seen as is a way in which to appease us.”

Dr. Borcila stated: “Moving forward, I'm hoping that what we can do, [the] Senate can do, is to write a document of sorts, a brief one in which we can present our whole series of concerns that faculty have brought up at the last meeting. Many of them are recorded in the minutes for today, and that we can present what different proposals faculty have that we can talk about these...and we can also clarify that we're also ... endorsing an open process, as we did in our proposal, And we just clarify that this action that we endorse today is an absolute bare minimum that we're asking for, given that they haven't been responding to anything yet. This is my suggestion for what to then do with the action as we push it forward. Thank you.”

Dr. Alyssa Dunn, from the College of Education, stated: “Dr. Borcila basically summarized what I was going to say as well. I think that it's a good Proposal but I think that it needs to be contextualized in that there is a lot more that the Senate has

already agreed to and pushed for. I was not on the Senate last year, so I personally didn't endorse that Proposal, but I support it and I don't think that we should lose everything that everyone has been arguing for in favor of only proposing one thing. I really like and appreciate the suggestion to contextualize this within a wider argument.”

Professor Moriarty stated: “I think that that's absolutely what one of the things that we should do. I have invited Dr. Borcila to come to the Steering Committee, so that we can come up with specific, other specific, proposals that can come before the Faculty Senate to be voted on. For this particular Proposal, I think it needs to be voted on as a clean Proposal and to have this one go forward, and then if we have other proposals we can also bring those to the Faculty Senate and vote on those as they come forward. I think that will be a much more effective way otherwise things get, if you put too many things on the table at once it becomes, I think, a little too complicated.”

Dr. Robert Ofoli stated: “I just want to ... when I woke up this morning, I was really wondering if I should even bother to come here, because it doesn't seem like we get anything done. We come in, we present a viewpoint and nothing happens. I'm really glad that at least this Proposal has come out, because I think that the fact that the Board of Trustees do not see putting four [of their] people in the Search Committee as a conflict of interest. It still baffles. I think I could probably explain it to my daughter, if I just sat down with her and say ‘this is why.’”

Dr. Ofoli added: “The fact that adults don't seem to see conflicts of interest unless they are the ones claiming it, people seem to be incapable of just looking at this from the other side, and asking themselves if I were sitting on the other side and I were looking at how would I see it. I so agree with Andaluna that this is not as far as we want to go, but I'm happy that at least we are doing something. And I want to thank the Steering Committee for installing a little bit more of my confidence back, because I was really wondering, should I just tell my Dean, ‘I'm done. This is almost two hours of my time that I can get something else done and I'm not getting anything done here so why should I show up?’ Thank you.”

Dr. Borcila stated: “My suggestion is not that we bring other items of the Proposal to the Senate, but my suggestion was that in putting this action forward we should contextualize it... We should contextualize it, and we should say we had a whole range of issues. We've endorsed the Proposal for an open Presidential Search already. At this point, we're asking you also to do this. This is it, not to break it because, again, we've endorsed an open search process and I'd like to move forward with this, but I really think it needs to be contextualized. Thank you.” Discussion ensued.

Provost Youatt stated: “I think it's even more than that. I think what has been expressed over the past year is that the faculty feels as though in many instances they are not taken seriously, that they have been ignored, that we are not a player when it comes to what is happening with the Board of Trustees. I think that it is important, since we have made several very, very strong statements to the Board that we not just simply disappear, because we think that they're not going to listen to us. They need to realize that we're here, and any new President needs to realize that we are here and that we're not going away.”

Dr. Filomena Nunes stated: "I'm going to be quite frontal here. I think I'm going to answer the question there, what do we want to accomplish? I think what we all want to accomplish is make sure that a good president is put in the leadership of MSU. That's what we want. Now, I believe the Board of Trustees members also want that, but I have my doubts that our criteria are going to be the same. This is the bottom line: it's very important that we are involved, because we are not sure that our criteria will be their criteria. I think that's really the essence, and I am very concerned with having a big fraction of this body [the Presidential Search Committee] that's the Search Committee being Board of Trustees. I think this is a very serious concern, and the conversation we had last week or two weeks ago in the University Council was very concerning, because the Board of Trustee members showed they did not even understand the concept of conflict of interest."

Professor Nunes added: "That to me was really important. I mean it was an important realization. We're talking about a very different world where conflict of interest means dollars only. We live in a world that conflict of interest means a lot more than that. This is our concern. What we want to accomplish is to make sure that a good president ends up leading MSU. I think to do that, it is necessary that we catch any possible pitfall along the way, and having four members of the Board of Trustees with voting power on this Committee, I think is a pitfall by definition. I fully support that one action, and a very pointed action, rather than making it much more complicated. I would go for that one action. Perhaps we at least get that one done." Discussion ensued.

Dr. Dan Gold for the College of Education, stated: "I am totally in favor of the Proposal. I think it's short, sweet, to the point. Even if it gets rejected then it's on record. I think realistically there's a short and long game here. The short game is we all voted to fire these people. I got a hunch they're not trusting us a lot no matter what arguments we put forward. We wanted to fire them all. Part of me is sometimes we say they don't understand us. 'Yeah I understand you. You tried to get rid of me.' Now maybe for good reason, but the flipside is it just doesn't make sense to me that they're going to trust us a lot. However, the short game is the proposals we're putting forward, I got a hunch not much is going to happen. We might get a few victories here or there, but when Presidential Search candidates come in we could be saying, 'Hey, this proposal came up, it didn't get passed, what's your opinion on it?'"

Professor Moriarty stated: "I would also like to say I think that maybe the College of Music is different, but the Search Committees that I've been on develop their own process. I'm seeing people nodding, so I'm guessing that that happens in other places too. It's entirely possible that if we get this Proposal to all the members of the Presidential Search Committee, there will be some discussion with [the] Search Committee as to developing their own process, and this might be a way to get something that's happening that is not necessarily going directly to the Board, only to the Board of Trustees."

Dr. Borcila stated: "Six of the nine Democratic candidates who went up for the Board of Trustees signed and endorsed a Reclaim MSU Proposal that we endorsed, and two of these are the Democratic nominees. Brianna Scott and Kelly Tebay. There's lots of pressure on them, I know that, but they are supportive of an open Presidential Search."

They're supportive of open forums. They're supportive of different kinds of governance. They're supportive of things that we want to hear and we need to keep pushing for this because that gives them fodder to what they want. I think this is really important thinking about the Board and I really agree with you, Dr. Gold, about how important this is for a new... in the selection of a new President as well.”

Dr. Borcila added: “On that issue, I just want to say this. Why do I think it's important? I'm going to vote for this, but why do I think it's important to send this within the context that I mentioned? I agree also that we should get a written response from the Board. It's because Trustee Byrum also said they haven't made the decision on whether or not they're going to have open public forums for the final candidate. She said here they haven't made that decision, and we've said we want that, and I don't think we should lose that. That's what I'm saying. Maybe they'll say no, we have to remind them we endorsed the Proposal. Ask to have open public forums in which people can meet with the candidates. That's why I say put this in context, because there are things we've endorsed that they can still do that they haven't done.”

Dr. Juliet Guzzetta, from the College of Arts and Letters stated; “I just want to anticipate in terms of response to this. When I was at a separate input session, that I think was offered just to Assistant Professors, although it was unclear to me, just with Dr. Sullivan, I asked her specifically if, in her experience, there were Board of Trustee members on search committees and major research institutions like our own. And she said that there was, and so I would anticipate that she and they will say actually this is common practice. She actually had an example of Wisconsin where, I believe, it's only now Board of Trustees that will elect their presidents. Just to offer that so we can anticipate.”

Professor Moriarty stated: “I think we can anticipate that, but I wouldn't say that there is probably not another institution where you have [the] Board of Trustees that has received a huge vote of no confidence from the Faculty-At-Large, and also been asked to resign by the Faculty Senate, so I think we are actually in a unique situation.” Discussion ensued.

Professor Moriarty read the motion: “In standard MSU search committee practice, search committees typically do not include the final decision maker. For example, the Dean is not a voting member of a search committee. The search committee delivers a list of qualified candidates to the Dean with recommendations. The Dean then chooses and forwards a final recommendation to the Provost. The Faculty Senate would like to propose that the Presidential Search Committee follow this accepted MSU practice. The Trustees on the Presidential Search Committee thus would be ex-officio members of the Search Committee, with voice but would not be voting members of the Search Committee. The other members of the Search Committee would vote on which candidates to forward to the Board. Then the full Board would select the top choice for president as per their constitutional responsibility.”

Professor Moriarty continued: “The Board Members who are in the Search Committee would be non-voting Members of the Search Committee, but voting Members of the Board as a whole in the final decision. This procedure preserves the voice of the four Board Members on the Search Committee, and also preserves the responsibility of the

Board as a whole to choose the next President, but eliminates the double voting [that] is contrary to standard MSU Search Committee practice, and therefore reduces some of the consternation among MSU community at what is a conflict of interest.” Discussion ensued.

A motion to approve the University Council Presidential Search Committee Proposal was made and seconded. **The motion carried and this will go to the University Council for vote, as well.**

7.4. University Council on Faculty Affairs (UCFA), Discipline and Dismissal of Tenure Faculty Policy, Professor Len Fleck, UCFA Chairperson

Dr. Fleck stated: “Okay, in particular, we have in mind Dean Strampel, who was seen as having violated lots of behavioral codes and not to mention issues of legality. The public sentiment apparently as perceived by the Board was that this is somebody who should be dismissed very quickly. He did resign as Dean, but he remained a member of the faculty and he remained a member of the faculty with pay. The Board, I think, saw this as something that would be badly perceived by the public, which is why they wanted to alter the Policy, which ordinarily would've allowed for the process of dismissal to go forward while the faculty member was being paid. That's the basic context.”

Dr. Fleck said: “Going back to the letter now, point 2) moreover, after receiving an overwhelming vote of no-confidence from the faculty at MSU, the Board's decision to change this Policy without faculty input appears to demonstrate a lack of judgment and respect that we find deeply troubling. 3) We are concerned that these policy changes empower the University President to withhold pay from a member of the faculty without consultation or oversight. We believe that representatives of Faculty Governance should be involved in any such decisions and that they should not proceed at the sole discretion of the President.”

Dr. Fleck added: “4) we are also concerned that with this Policy change MSU has become an outlier among our peers in the Big Ten, AA. With rare exceptions, no other university in the Big Ten allows faculty to be placed on unpaid leave when facing dismissal for cause proceedings. We question whether we want to lead our institutional peers in this treatment of faculty.”

Dr. Fleck stated: “Point 5) finally, we believe that these changes may encourage faculty at risk of dismissal to retire before a thorough investigation can proceed. Given recent failures in the investigatory process at MSU, we are reluctant to approve a policy that may have the unintended consequence of burying or obscuring serious breaches of behavior and ethics.”

Dr. Fleck said: “Given these reservations, UCFA and UCFT are asking that these policy changes be suspended, and that the University revert to the Policy as it existed prior to June 22, 2018. We invite members of the Board's Committee on Academic Affairs, which now includes Trustees Byrum, Kelly, Lyons and Mosallam, to meet with the Committee in an effort to build genuine consensus about the changes to the Discipline and Dismissal of Tenured Faculty for Cause Policy.”

Dr. Fleck concluded: “Any such changes can then proceed through Academic Governance as is. Alternatively, we would welcome a sustained dialogue with the Board about these and other policy related issues that directly affect the faculty at MSU.”

Provost Youatt stated: “I will not presume to advise the Committee, but I would say a couple of things. I think the Board anticipated that Faculty Governance would choose to revert to the previous Policy. I think they're expecting that. I haven't been in this conversation since summer, but at that time, at least with some of the Board Members, I think it was anticipated that this body would send to them revised By-Laws that would revert to the previous conditions. Terry Curry, in Academic Human Resources, could maybe speak to this better than I could. I would ... since that's the expectation and I think I would suspect that there would not be a strong objection from the Board, one might consider taking stronger action than a letter suggesting change. I realize this is not an action item today, but there might be some consideration.”

Provost Youatt added; “Again, Terry might advise otherwise, but I think that they're expecting this body to take action to be clear that the changes that were made allowed the President to decide that a faculty member, who was going through the process of being dismissed for cause, could be put on unpaid leave, and that was at the discretion of the President. The second piece of that, which I think is relevant to the text of the letter, is that once the individual was recommended and was moving to the hearing portion, it was at that point that they would be unable to retire. They had to go through the process. I guess my clarification is by that time there's been a very thorough investigation, but the hearing hasn't begun, and so the faculty haven't seen the evidence during the hearing process.”

Dr. Borcila stated: “I want to really thank UCFT and UCFA, and thank you for this letter. When I heard about this change, it was in the middle of June, the evening before the Board of Trustees meeting. I was very concerned, because somebody sent me the minutes from UCFT. I read those minutes, and they were very troubling. The fact that faculty expressed strong opposition to the process and concerns, and then the process was supposed to be that it comes to us and it never did. This process is very faulty and I really strongly support the letter that was written.”

Dr. Borcila added: “Also, I would want to say that it is very ironic that the Board of Trustees think that this change in our Discipline Proposal is the answer that the Institution needs to make to give to the bad publicity we've had. I think we know what the reason for the bad publicity has been lately. I'm concerned about issues of shared governance because I've only heard the President, Interim President, say [that] whenever he mentions shared governance, he mentions how that was the reason for why we had Strampel and Nassar, which is a very cynical point of view. He said that in the media many times, I've counted them. I lost track of count. I really appreciate this and really support this. I think we should basically ... I don't know what we need to do, support, endorse, I don't know. Thank you.”

Professor Moriarty stated: “I agree that we should have a clean thing that comes from the Steering Committee that just says we want what the Steering Committee will send to Faculty Senate, or to wherever it goes, that we would vote this to revert to the By-

Laws. But I think we should also amend a letter because what's terrifying is that the Board of Trustees did it once, and if they do it once they can do it again, and they can do it on many, many different issues. This is something that they should understand is just not acceptable." Discussion ensued.

Dr. LaDuca stated: "We'll have a non-binding vote of the Faculty Senate to undo the Disciplinary and Cause for Dismissal Policies back to the way they were in Spring Semester, 2018. Do we have any other people who wants to speak? Dr. Curry?"

Dr. Curry stated: "I'll just say it very quickly that by doing this, there aren't any cases in which faculty members [who] are in the discipline process have been suspended or about to be suspended without pay. By not doing anything for a month, no one is going to be adversely affected." Discussion ensued.

Dr. Richard Miksicek made a motion: "I would move that we accept and endorse the report from UCFT and UCFA and refer it to the Steering Committee for action." The motion was seconded. **The motion carried.**

8. Comments from the floor

None

9. ADJOURNMENT

A motion to adjourn was made and seconded. **The motion carried.** 4:19pm