

Senate Council Minutes

November 22, 2004

The Senate Council met on Monday, November 22, 2004 at 3:00 pm in Conference Room F on the 18th floor of Patterson Office Tower and took the following actions.

1. Approval of the [Minutes from November 15, 2004](#)

The Chair asked if there were any corrections to the minutes. Ms. Scott noted some changes that were submitted prior to the meeting by Tagavi. Jones suggested some changes the first full paragraph on page three. The last sentence should read "Greissman expressed confidence that department chairpersons, being faculty members, would not allow that to happen". Ms. Scott will make the change.

2. Announcements

The Chair provided an update on the ACMC issue. He reported having met with Dean Blackwell and said she was willing to entertain the idea of serving as interim chair of the ACMC, subject to consultation with Watt and the Provost regarding staffing. The Chair said the issue was as of yet unresolved and thanked Jones for the part he played in facilitating movement on the issue.

The Chair said he had checked on the questions raised by Dembo regarding the appointment of Associate Provost Yopp. He said Doug Boyd was out of town and had not yet responded to his e-mail. The Chair will report back when he has additional information.

Debski entered the meeting at this point.

The Chair said the new acting chair of the Department of Orthopedics requested a name change to the Department of Orthopaedics. He said his inclination was to follow the regular process of vetting the proposal through the Senate prior to Board approval. He noted that there had been several e-mail exchanges during the approval of the Department of Orthopedics indicating their preference for the less-archaic spelling of Orthopedics. He explained that during previous administrations departmental name changes of a minor nature could be affected through the Chancellor but noted that under the current administration no such “minor change” had occurred. The Chair asked the Senate Council for its perspective on this issue.

Jones asked if the faculty of the department held opposing views on the proposed name change. Duke suspected the faculty would have strong opinions on this issue. Cibull said the name had not changed, just the spelling, and said it would be a misuse of Senate and Senate Council time to require this proposal to be vetted through the usual channels. He suggested finding a means to expedite the proposal. Tagavi suggested investigating whether the proposal had the support of the faculty.

Bailey reported that when the Academic Organization and Structure Committee met to consider this item, he had been corrected regarding the spelling of the proposal when he accidentally referred to it as the “Orthopaedics” proposal rather than the “Orthopedics” proposal. He wondered why spelling had been of such a concern only to have the spelling changed shortly after the passing of the proposal. He added that if the department wished to change the spelling the proposal should be expedited instead of having to be processed through all the committees and Councils. Tagavi agreed, noting that if the department faculty agreed the proposal should come directly to the Senate Council. Bailey concurred and suggested that the Department of Orthopedic’s faculty opinion should be forwarded to the Senate Council for consideration.

Odoi entered the meeting at this point.

The Chair agreed to expedite the proposal by eliciting from the acting chair of the department an explanation of the need for the change and a report on the view of the faculty. Bailey suggested requesting an explanation for the reversal in spelling, since such an issue was made of the spelling during the initial approval of the department.

Moore joined the meeting at this point.

Tagavi asked for clarification regarding the ACMC issue. The Chair replied that Dean Blackwell, the Provost and Watt were undertaking negotiations regarding a way in which the Senate Council interim proposal could work. Tagavi asked if it was time to send the proposal to the Senate. The Chair replied that the proposal had not yet been accepted by Dean Blackwell. Cibull asked if the ACMC was still meeting in the mean time.

Debski asked if the ACMC had forwarded a summary to the Chair regarding its discussion of its existence during a recent meeting. She reported having explained the Senate Council's proposal to the ACMC after which the ACMC's membership debated its fate. Debski said the main outcomes of the ACMC's deliberations were that it should continue as a Council with membership from the College of Public Health, that it endorsed the idea of the rotating deans serving as chairs, and that it urged the Administration to make the necessary resources available to provide secretarial support for the ACMC's continuing activities. She added that one other point existed regarding the need for people to recuse themselves from deliberations to avoid conflicts of interest when they had a direct relationship to proposals being presented. She said there was some debate among the members as to whether that pertained to presenters of the proposals or just the members of the committee.

Dembo entered the meeting at this point.

Debski said the ACMC members asked her to summarize the development of the issue, after which she became a quiet observer of their deliberations. She

reported that the ACMC would be amenable to Dean Blackwell serving as interim chair, but also said they would be equally accepting of Watt serving as chair. Debski said Watt indicating his willingness to serve as chair during the interim period.

The Chair said he had as of yet received no report from the ACMC and indicated his interest in seeing their report. Debski said that for the time being the ACMC was still meeting and considering curricular items.

3. Retiree Health Benefit Committee update

The Chair introduced the chair of the RHBC, Michael Tearney, and the Senate's representative to the committee, Sean Peffer, and thanked them for attending. Tearney said he was asked to chair the committee by Siemer and agreed to do so. He reported having a positive relationship with EVPFA Butler and looked forward to working with him. He noted the committee's composition was announced a week prior to this meeting by Butler. He noted the previous committee that addressed this issue, the Samuel committee, had been presented with a very narrow charge and the assumption that a problem existed. Tearney said there was a need to consider the revenue side of the equation while the Samuel committee considered only the costs. He said he was looking forward to receiving a report from the Controller's Office and Angie Martin that will present a representation of the unencumbered portion of the University's budget in layman's terms.

Tearney said an RFP had been issued to contract a consultant, but added that Mercer, the consultant for the original committee, had been excluded this time. He noted that he did not take exception with Mercer's work but thought a fresh perspective was necessary. He said a subcommittee recommended a consultant, which the University hired. The consultant being used is Hewitt, which is a firm that has experience with the issue of RHB in public universities, private universities and the public sector. Tearney said he expected to receive: a report from Human Resources, which will estimate how many employees will retire per year for the next ten years; a report from the Controller, which will report on the revenue aspect of the calculations; and a report from Hewitt, which will estimate the costs. He said the deadline for

these reports is January, after which time the committee will consider the reports and determine if a problem exists. Tearney said that if a problem does indeed exist, then it will ask Hewitt to provide a variety of scenarios offering different solutions. He said that if the proposals were unacceptable to the University then the committee would ask for other proposals.

Tearney said that the RHBC had established a web site that will be updated weekly once the regular meetings begin. He said the committee's aim will be transparency and open communication. He encouraged the Senate Council members to consult the web site regularly, but noted both he and Peffer will be available to provide reports and updates to the Senate and Senate Council. Tearney added that he thought the work done by the Samuel committee was good and thorough work, but felt also that the mistake made during the previous analysis involved a lack of communication with the University community. He said that the current RHBC would most likely be over communicative to make sure that transparency was maintained.

Dembo asked if the RHBC's recommendation would be forwarded to the Employee Benefits Committee. Tearney replied that was his understanding.

Tagavi asked if Tearney was retired. Tearney said he will be retired by the time the committee begins its work, but that that his only relationship with the University would be as a retiree. Tagavi asked if the emeriti faculty of the committee, Strupp, was the nominee of the emeriti faculty association. Tearney replied that he was one of the nominees and was selected because he had attended all of the previous committee's meetings and was knowledgeable on the subject. Tagavi asked if the RHBC would consider the ethics of changing the terms of retirement for persons already retired or about to retire. Tearney said he, as one of the committee members, would consider the equity implications of any recommendations. Peffer noted all of the constituent groups were represented on the committee and would therefore give voice to their own particular concerns.

Grabau asked if the three reports mentioned by Tearney would be available for public review. Tearney said that was his inclination but would need to receive clearance from the Administration to share the reports. Grabau and Tagavi, among other Senate Council members, applauded Tearney's approach for its openness.

The Chair thanked Tearney and Peffer for attending and looked forward to future updates regarding the RHBC's activities. Tearney and Peffer departed.

[4. Proposed Authorship Policy](#)

The Chair provided background on the item, noted considerable discussion on the listserv, and asked the Senate Council members for their input. Jones expressed concern about the authority of defining authorship as requiring a concurrence among all authors, which could include students and technicians, when in many cases the Principal Investigator should be responsible for making such a judgment. Bailey said he was uncertain as to why and how the proposal had evolved. The Chair replied that he was interested in hearing the opinions of the Senate Council first but noted that if there was interest beyond the meeting he would be glad to invite EVP Baldwin to attend a future meeting.

Tagavi indicated he would not reiterate [the comments he offered in his email to the listserv](#). Instead, he presented an additional point: The proposal claims that authorship disputes are not "research misconduct" per se. Still the proposed policy can potentially make a violation out of them. Imagine a paper with 'five authors where the first four agree on the order of the authorship while the last one does not. Assume the last one takes this to the dean and the Dean agrees with him/her and, directing the lead author to change the order of authorship. If the name order is not changed, the other four authors could be charged with insubordination.

Several Senate Council members expressed concern regarding the discipline-specific nature of the policy, the need for a University-wide authorship policy

when many journals enforce contradictory policies, the University's authority to adjudicate conflicts in journal publications, and the trouble the proposed policy may cause with various governing boards. After brief deliberations, the Senate Council members suggested inviting Baldwin to attend a subsequent meeting to explain the rationale behind the proposed policy. The Chair will meet with Baldwin to indicate the range of concerns expressed by the Senate Council and indicate its receptiveness to her visit at a subsequent Senate Council meeting if she has additional information that might reshape the Council members' views on this subject.

5. Proposed changes to Senate Rules regarding Board of Trustees Elections

Tagavi said the rationale for the proposal was to clarify the rule, allow for electronic election, allow for elections during the spring semester, and create provisions for the event of a tie.

Duke suggested that perhaps in the future the SR could be updated to allow for electronic nominations. Tagavi said the problem was the need to obtain ten signatures per nominee. Duke suggested using digital signatures or some other electronic medium. Tagavi said that another problem would be the number of nominees received if an electronic process was implemented. Jones noted that a change to SRs for future elections if the necessary technology became widely available would not be difficult to effect.

The Chair expressed concern about the last sentence of section C. He requested clarification as to whether the proposal meant to inform the top two nominees of a tie or to invite them to attend the random drawing. Tagavi said the intent of that particular part of the proposal was to inform the candidates of the tie and invite them to attend the random drawing. The Chair suggested making that part of the language specific. Tagavi will amend the language.

Cibull suggested that perhaps the Rules and Elections committee should not be explicitly stated as being the final arbiter in the event of unanticipated election problems. The Chair suggested that naming the Senate Council as final arbiter would grant increased legitimacy to the process. Tagavi noted

that quick decisions are necessary in the event of election problems and suggested stopping the election to wait for the Senate Council to convene would be problematic. He noted that the members of the election committee are on hand during the election to authenticate the election and to be present in the event of unexpected situations. Cibull and the Chair said they understood.

The Chair said he would still prefer the Senate Council to have a role. Greissman suggested including language that the Rules and Elections committee “shall act to resolve the problem, subject to the final review of the Senate Council”. Tagavi said that certain solutions are not reversible and suggested instead that appeals to the Senate Council be allowed, after the fact. Various Senate Council members expressed agreement. The proposed rule will be amended to note the dropping of the word “final” in regard to the arbitration of the committee. Kaalund suggested including the concept that the candidate should be able to appeal to the Senate Council. Jones said only the affected candidate should be allowed to appeal. Kaalund suggested wording that “the affected candidate may appeal the decision to the Senate Council, which will be the final arbiter”.

Jones made a **motion** that the proposal, as amended, be forwarded to the Senate for approval with a positive recommendation, effective immediately. Kaalund **seconded** the motion, which **passed** without dissent.

There being no further business, the meeting adjourned at 4:30.

Respectfully submitted by
[Ernie Yanarella](#), Chair

Members present: Bailey, Cibull, Debski, Dembo, Duke, Grabau, Jones, Kaalund, Moore, Odoi, Staben, Tagavi, Yanarella.

Liaisons present: Greissman, Saunier.

vcGuests present: Peffer, Tearney.

Prepared by [Rebecca Scott](#) on November 22, 2004.