

Minutes*

Senate Consultative Committee
Thursday, May 6, 2004
3:00 – 4:00
Room 238A Morrill Hall

Present: Judith Martin (chair), Jean Bauer, Susan Brorson, Charles Campbell, Tom Clayton, Arthur Erdman, Dan Feeney, Scott LeBlanc, Jeff Ratliff-Crain, Martin Sampson, Jeremy Steil, Teresa Wallace, Dan Weiske, Carol Wells

Absent: Sean Bell, Joshua Colburn, Derek Brunsberg, Emily Hoover, James Kanten, Levi Kary, Marvin Marshak, Ryan Osero, Charles Stech

Guests: none

Others: none

[In these minutes: (1) Senate item related to the contract between the University and the U of Arizona; (2) jurisdiction over debates between Senate committees]

1. Telescope Contract

Professor Martin convened the meeting at 3:00 and said that the first item of business was the resolution concerning the University's contract with the Research Corporation of Tucson, which relates to the University's participation in the telescope project in Arizona. The resolution sought appointment of a joint subcommittee of the Research and Social Concerns committees to inquire (1) if the University of Arizona has complied with the Regents' request that Arizona "establish a binding, independent, and fair grievance procedure that provides for fair, independent hearings and resolution of Apache complaints about access and their religious beliefs" and (2) about the concerns of the San Carlos Apaches about a scholarship fund proposed by the University of Arizona. The Senate declined to take up the resolution, under new business (the resolution did not receive the necessary 2/3 vote required), so it was automatically referred to this Committee.

Professor Martin observed that the Senate Research Committee is not willing to spend any more time on this subject. There may be a reasonable way to respond to the resolution, however, and that is that this Committee recommend to the President that he ask the University Auditor to look into the contract and the concerns. The Auditor, Gail Klatt, said that her office could do so.

The procedural position is that there is a motion about which the Committee must make a report to the Senate at its next meeting, Professor Morrison said. The Committee should do what Professor Martin has suggested and recommend to the Senate that it not approve the motion. Would this Committee receive a report from the Auditor, Professor Chomsky asked? Professor Morrison said he would be reluctant for this Committee to act in lieu of the Senate (which it has the authority to do, if

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needed); the item should be put on the next meeting docket as Old Business with the report from the auditor.

Mr. LeBlanc said that he also was frustrated that the Mr. Graham issue continues to come up but wondered about the workload of the Auditor. If the Committee asks for a report, it should not waste the Auditor's time if it will not take it seriously. It is the Auditor's job to review contracts, Professor Martin said; in this case, a contract has been signed and this Committee is asking for a report on it. This also raises questions about the implementation of the contract, Professor Chomsky observed, it does not ask for a reconsideration. If there is a legitimate concern, it should be addressed, Professor Feeney said. The Committee would take the report seriously, Professor Martin said; a subcommittee, however, has no ability to determine contract compliance and there is an arm of the University that has the responsibility for doing so. It is not Senate business to enforce contracts, she said.

What about the concern about the scholarship offer, Mr. Steil asked? Professor Morrison said that the Auditor presumably will inquire about the concerns and report them. If she receives no response to her inquiries, she will have to report that she does not know.

The Committee voted that Professor Martin ask the President to request the Auditor to look into the contract and the scholarship concerns.

2. Disputes Between Committees

The next item of business is a proposed amendment to the revised constitution providing that any disputes or controversies between committees of the Senate will be resolved by the Senate, not the President, Professor Martin said. Given three separate Senates, under the reorganization, intra-Senate committee disputes are easy: they would be referred to the parent body. But what about inter-Senate committee disputes?

Professor Morrison suggested they be referred to the University Senate, but asked if they should not go to the Senate Consultative Committee instead, for possible referral to the Senate. Mr. Weiske asked why any differences needed to be resolved. One of the selling points of the reorganization has been that the different bodies may have different views and are independent. Professor Feeney said there should be a mechanism available if differences MUST be resolved; he agreed with Professor Morrison's sentiment that the Senate Consultative Committee would be more expeditious. Professor Campbell agreed that the direct relationship between a Senate and the administration was important; any required mechanism of adjudication would obviate that path.

The Committee concluded that an amendment for intra-Senate disputes would be in order and that inter-Senate disputes could be referred for non-binding discussion to the Senate Consultative Committee.

Professor Martin adjourned the meeting at 3:30.

-- Gary Engstrand