



# Texas Tech University

LUBBOCK, TEXAS 79409 / (806) 742-3856

Faculty Senate

October 4, 1978

TO: MEMBERS OF THE FACULTY SENATE

FROM: Margaret Wilson, President

SUBJECT: Agenda for Meeting #8, October 11, 1978

The Faculty Senate will meet on Wednesday, October 11, 1978, at 3:30 p.m. in the Senate Room of the University Center. The agenda is as follows:

- I. Minutes of September 13, 1978 Senate Meeting
- II. Announcements
  - A. Seconds to motions
  - B. I, 4.7, Operating Systems & Procedures Manual
  - C. Formal Grievance Procedures
  - D. Abolishment of New Student Orientation Committee
  - E. Letters as Directed by Senate
  - F. Letter Concerning Tenure & Privilege Committee
  - G. Meeting with Registrar, Associate Registrar & Director of Admissions & Records
  - H. Chairperson of Bookstore Advisory Committee and Officers of Grievance Committee
  - I. Excerpts from Academic Council Meeting
  - J. Meeting with Representative Joe Robbins
- III. Interim Report from ad hoc Committee on Invocations - Dr. Robert Davidow
- IV. Interim Report from ad hoc Committee on Academic Excellence Fund - Dr. David Cummins
- V. Interim Report from ad hoc Retirement Investigation Committee - see enclosed report
- VI. Report on Committee to Review Tenure Policy
- VII. Report from Registrar's Office

Prior to the October 11 Senate meeting check with colleagues as to whether or not having the Registrar's Office open on the 23rd of December would be worthwhile in order to get grades in. (Refer to Announcement G, 13)
- VIII. Constitutional Amendments
- IX. Report from Committee on Committees - Dr. Helen Brittin
- X. Other Business

## ANNOUNCEMENTS

- A. Our Parliamentarian informs me that it is not necessary to record the name of the person who seconds a motion. Therefore, in the minutes of the September meeting those names have been omitted and it will not be necessary for the seconder to identify himself/herself. I will ask that the person making the motion state his/her name clearly.
- B. As many of you probably did I ran to the office to look up I, 4.7 in the Red Book following our last Senate meeting. Upon finding that there was no I, 4.7 I met with Vice President Hardwick and he too could not find it. My next visit was to Freda Pierce, Secretary of the Board of Regents, who keeps an indexed file of all Regents matters. Mrs. Pierce readily volunteered her services to look up any policy for the Senate. I next talked with Sharon Nelson, Executive Secretary to the President. We reached a conclusion that the I, 4.7 applied to some document other than the Red Book. Both Vice President Hardwick and Mrs. Nelson reported that President Mackey is presently looking at University and Board policies. Mrs. Nelson assured me she would express my concern on behalf of the Senate that policies of this nature should be either in the Operating Systems & Procedures Manual or in some other location readily accessible to faculty.
- C. It was the hope of Marilyn Phelan and myself that she would be able to meet with the Senate at the October meeting concerning the formal procedures for an aggrieved faculty member. Dr. Phelan is representing the University in court and is unable to make this meeting but will strive for the November meeting. She did have an interim report: the procedures are drawn up and President Mackey is presently reviewing them.
- D. A memo from Vice President Robert Ewalt states that he has taken the advice of the New Students Orientation Committee and is abolishing the group. He plans "to rethink the role of a student faculty committee in the orientation process and to reestablish it later in the year with a somewhat revised committee charge and a more definite set of responsibilities." He commended past committee members for excellence of suggestions but believes the present charge is inadequate to make the time spent by committee members worthwhile.
- E. As directed by the Senate or in response to letters received, letters were sent to the following:
  - 1. Robert Davidow and members of the ad hoc Committee on Invocations reconvening the committee;
  - 2. President Cecil Mackey recommending faculty members of the University Bookstore Advisory Committee;
  - 3. Walter Calvert and members of the Election Committee confirming new appointments;
  - 4. Louise Luchsinger confirming appointment as Faculty Senate representative to the ad hoc Committee to Update the Annual Faculty Report Form;
  - 5. David Cummins and members of the ad hoc Committee to Consider the Academic Excellence Fund;
  - 6. D. N. Peterson responding to two questions asked of the Senate and expressing five areas of concern regarding student status printout sheets;
  - 7. Henry Shine concerning funding of expenses of TTU and Senate committees;
  - 8. Lotus B. Blackwell listing Henry Ross, Arts & Sciences, and Ross Taylor, Graduate School, as student members of Academic Affairs and Status Committee;

- F. Although directed by the Senate to transmit a letter to Vice President Hardwick reiterating the concerns of the Tenure and Privilege Committee, after consulting with Rod Schoen, Chairperson, and at his request, I have held off sending such a letter until the committee has its first meeting.
- G. On September 28 I met for two hours with D. N. Peterson, Don Wickard, and Mike Smith. I expressed the concerns of the Faculty Senate re inaccuracies of computer system of notifying faculty of student status. From this meeting I received the following information which I believe you should be aware of:
1. Vice President Hardwick, as you have been notified by letter, has been put in charge of the Computer System as it is concerned with academics;
  2. The last day to drop a class for a summer session is one week before final exams. By the time the Registrar's Office has worked the drop-add slips and the Computer Service has keypunched the final printout it arrives at the same time as your grade sheets or slightly later;
  3. Students can withdraw from the University on the last day of class or during finals if the Deans sign the withdrawal notice;
  4. Deans occasionally backdate status change forms;
  5. Mr. Wickard has only one person for coding and checking drop-adds; this person's job is made more difficult by drop-add slips coming in with non-existent courses and/or sections on them, two slips coming in with the same effective date on them with one slip adding the course and the other dropping the course, drop slips for a student not enrolled in a course originally, etc.;
  6. We have the highest percentage of error in recording grades in our history at the present time; the pass/fail policy (instructors not knowing who is taking a course p/f) is one of the biggest reasons. The computer has to interpret the grades and mistakes are being made;
  7. Mr. Smith turned in to the Computer Center this fall's student status reports on September 15; he received the printout on September 26 which makes it virtually unnecessary as 12th day class rolls will reach faculty members at approximately the same time;
  8. The Computer Center normally has three keypunch operators. One of the three is presently on leave due to the imminent arrival of a baby. Kelly Girls have been hired, but due to their unfamiliarity with the programs, have made more than the usual number of errors;
  9. The computer has been tied up with payroll for some time; payroll has priority;
  10. Even during registration, TTUSM has priority over TTU; hence, the sometimes lengthy wait for new class cards;
  11. The 7th Freshman Conference held on the day prior to regular registration ties up the Registrar's Office (editorial comment: and all the departments on campus when they could be using the time to better advantage for departmental and college meetings); this fall 382 students registered during the 7th Conference;
  12. Mid-semester "freshman" class rolls will contain some upperclassmen; these students are usually transfers. The computer has not received the information on how many hours have been transferred in and automatically makes the students freshmen;
  13. There will be a real problem with fall semester grades which are due December 27 at 2 p.m. On December 22 at 5 p.m. all classified personnel start their holiday.

The campus post office is closed as of that time and, while mail will be delivered to the campus post office, the Registrar's Office will not be able to get their mail. Therefore, it is stressed: DO NOT MAIL YOUR GRADES. From the 23rd to the 27th West Hall will be locked; it will be open on the 27th;

14. All three gentlemen asked that I assure the members of the Faculty Senate that they know their roles, their problems, and our problems and are concerned with faculty input. They stress the need for continued communication. They assured me that a communique will be sent to Deans and department chairpersons advising them that drop-add slips should be sent to appropriate faculty members as quickly as possible, especially those which are section changes for the same course. They also assured me that they will confer with teachers of large classes and find out their special problems;

H. Gary Elbow was elected Chairperson of the Bookstore Advisory Committee. The officers of the Grievance Committee are Chairperson, Robert Weninger; Vice Chairperson, Alice Denham; and Secretary, Ron Schillereff.

- I. Excerpts from Academic Council Meeting (Minutes are on file in Faculty Senate Office for any Senator to peruse.)

September 12, 1978:

1. Deans were asked to set a meeting with chairpersons during the fall semester to discuss personnel matters with Vice President Hardwick.
2. Discussion centered on "need for maintenance of proper records, caution in making written statements, care in documenting peer review, and care in developing the annual chairperson review...."
3. No change in TTU policy for faculty retirement is anticipated prior to July 1, 1982 at which time mandatory retirement at age 65 will be changed.
4. Dean's priority lists for renovation will be put into a priority and sent to all deans for comment prior to being sent, along with other campus needs, to Space Committee.
5. Arts & Sciences has set up an office to coordinate counseling of students. Counseling of provisional students was discussed; each dean will file a report indicating mechanism established to counsel these students.
6. Registration problems were discussed with concern over difficulty students had of obtaining appropriate schedules. Deans will review registration and advise Academic Affairs Office.
7. "Institutional resource allocation was discussed. Each dean is being asked to make a priority assessment of the programs within his college. Central data will be provided as some quantitative input. The assessment will result in a report from deans categorizing departments and areas to receive additional resources in either active, limited or status quo categories. Each college's departments should be ranked into a top quartile for active support, the middle 50% for limited additional support and a lower quartile of departments which should be supported at the current level or which should be the first to receive reductions if resources were to decline.

Deans were asked to comment about a first run of data provided and to point out errors. Comments were also requested regarding criteria to be established which would provide a common background for systematic review of programs.

This exercise should result, by the end of the semester, in the Academic Council reviewing programs within the institution and in establishing

priorities for those programs/departments/areas to receive the most active resource support."

8. Deans will provide a personal report of their activities for the past academic year.
9. Vice President Hardwick reported on priorities of the institution as presented to the LBB hearing by the President. "In priority order the President indicated that faculty salaries, faculty development, computer support, organized research and energy conservation funds were to receive the most emphasis in the University request."
- J. A joint meeting of members of the Faculty Senate, TACT, and AAUP with Representative Joe Robbins has been set for Friday, October 13, 12:30 - 1:30 p.m., in the north end of the Student Center Ballroom. Food service has not been requested. Any interested faculty member or student is invited to attend.

By \_\_\_\_\_

\_\_\_\_\_ B. No. \_\_\_\_\_

TEXAS LEGISLATIVE COUNCIL  
Preliminary Draft  
A BILL TO BE ENTITLED

AN ACT

relating to employment contracts for faculty members at  
institutions of higher education; adding Subchapter I to Chapter  
51, Texas Education Code, as amended.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 51, Texas Education Code, as amended, is  
amended by adding Subchapter I to read as follows:

SUBCHAPTER I. FACULTY EMPLOYMENT CONTRACTS

Sec. 51.501. DEFINITIONS. In this subchapter:

(1) "Institution of higher education" has the meaning  
assigned it in Section 61.003 of this code, except that Texas State  
Technical Institute is included and the Rodent and Predatory Animal  
Control Service is excluded.

(2) "Faculty member" means a person who is employed by  
an institution of higher education on a full-time basis as a member  
of the faculty or staff and whose duties include teaching,  
research, administration, or the performance of other professional  
services. The term includes professional librarians. The term  
does not include a person employed in a position in an  
institution's classified personnel system or in a similar position.

Sec. 51.502. WRITTEN CONTRACTS. Each employment contract  
between a faculty member and an institution of higher education  
must be in writing and contain the terms and conditions of  
employment.

1 faculty member and renew the contract, terminate the contract, or  
2 return the faculty member to a probationary contract. A renewable  
3 contract may be renewed as often as the governing board considers  
4 desirable.

5 Sec. 51.505. FACULTY REVIEW COMMITTEES. (a) The governing  
6 board of each institution of higher education shall establish one  
7 or more faculty review committees to review the performance of each  
8 faculty member. Each committee shall be composed of:

9 (1) two or more members of the general faculty elected  
10 by the general faculty;

11 (2) the chairman of the department in which the  
12 faculty member under review is employed;

13 (3) the dean of the school in which the faculty member  
14 under review is employed; and

15 (4) a faculty member from a department other than the  
16 department in which the faculty member under review is employed,  
17 appointed by the dean of the department in which the faculty member  
18 under review is employed.

19 (b) A faculty review committee may review the performance of  
20 a faculty member under probationary contract each year of the  
21 contract. The committee shall recommend to the governing board  
22 whether the faculty member should be retained on probationary  
23 contract, granted a renewable contract, or terminated.

24 (c) A faculty review committee shall review the performance  
25 of a faculty member under a renewable contract during the final  
26 year of the contract. At least six months prior to the expiration  
27 of that contract, the committee shall recommend to the governing

1 education must notify the faculty member in writing of its  
2 intention to terminate the employment of the faculty member or to  
3 return the faculty member to probationary contract before the 60th  
4 day preceding the day on which the action is to be effective. If  
5 the governing board fails to give the required notice, the faculty  
6 member is entitled to employment in the same capacity under a  
7 renewable contract for the succeeding contract period.

8 Sec. 51.508. DISCHARGE WHILE UNDER CONTRACT. (a) A faculty  
9 member may be discharged during the term of a probationary or  
10 renewable contract for one of the following reasons:

- 11 (1) conviction of a felony;
- 12 (2) physical or mental incapacity preventing  
13 performance of duties;
- 14 (3) repeated neglect of duties;
- 15 (4) incompetent performance of duties;
- 16 (5) failure to comply with the institution's  
17 requirements for professional development; or
- 18 (6) financial exigency requiring reduction in  
19 personnel.

20 (b) A faculty member who is to be discharged during the term  
21 of a contract is entitled to written notice of the proposed action  
22 before the 60th day preceding the day on which the discharge is to  
23 be effective.

24 (c) A faculty member may be suspended with or without pay  
25 pending the effective date of the discharge.

26 Sec. 51.509. HEARING ON DISCHARGE. (a) A faculty member  
27 who receives notice of discharge during the term of a contract is



1 contract status are entitled to continued employment under  
2 probationary contracts;

3 (2) faculty members who have been employed seven or  
4 more years and who have not been granted tenure or other permanent  
5 contract status are entitled to continued employment under  
6 renewable contracts; and

7 (3) faculty members who have been granted tenure or  
8 other permanent contract status are entitled to continued  
9 employment in that status.

10 SECTION 2. This Act takes effect on September 1, 1980.

11 SECTION 3. The importance of this legislation and the  
12 crowded condition of the calendars in both houses create an  
13 emergency and an imperative public necessity that the  
14 constitutional rule requiring bills to be read on three several  
15 days in each house be suspended, and this rule is hereby suspended.

A BILL TO BE ENTITLED

AN ACT

relating to employment contracts for faculty members at institutions of higher education; adding Subchapter I to Chapter 51, Texas Education Code, as amended.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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4 desirable.

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6 board of each institution of higher education shall establish one  
7 or more faculty review committees composed of two or more members  
8 of the faculty to review the performance of each faculty member.

9 (b) A faculty review committee may review the performance of  
10 a faculty member under probationary contract each year of the  
11 contract. The committee shall recommend to the governing board  
12 whether the faculty member should be retained on probationary  
13 contract, granted a renewable contract, or terminated.

14 (c) A faculty review committee shall review the performance  
15 of a faculty member under a renewable contract during the final  
16 year of the contract. At least six months prior to the expiration  
17 of that contract, the committee shall recommend to the governing  
18 board whether the faculty member should have his or her contract  
19 renewed or terminated or should be returned to a probationary  
20 contract.

21 (d) In reviewing the performance of a faculty member, the  
22 faculty review committee may take into consideration any relevant  
23 evidence, including student evaluations.

24 Sec. 51.506. TERMINATION OF PROBATIONARY CONTRACT. (a) At  
25 the end of each year of employment under a probationary contract,  
26 the governing board of the institution of higher education may  
27 terminate the employment of the faculty member if in the judgment

- 1 (1) conviction of a felony;
- 2 (2) physical or mental incapacity preventing  
3 performance of duties;
- 4 (3) repeated neglect of duties;
- 5 (4) incompetent performance of duties;
- 6 (5) failure to comply with the institution's  
7 requirements for professional development;
- 8 (6) excessive use of a controlled substance as defined  
9 in the Texas Controlled Substances Act (Article 4476-15, Vernon's  
10 Texas Civil Statutes), a dangerous drug as defined in Chapter 425,  
11 Acts of the 56th Legislature, Regular Session, 1959, as amended  
12 (Article 4476-14, Vernon's Texas Civil Statutes), or alcohol; or  
13 (7) necessary reduction in personnel.

14 (b) A faculty member who is to be discharged during the term  
15 of a contract is entitled to written notice of the proposed action  
16 before the 60th day preceding the day on which the discharge is to  
17 be effective.

18 (c) A faculty member may be suspended with or without pay  
19 pending the effective date of the discharge.

20 Sec. 51.509. HEARING ON DISCHARGE. (a) A faculty member  
21 who receives notice of discharge during the term of a contract is  
22 entitled to request and receive a hearing on the action before the  
23 governing board of the institution of higher education. The  
24 request for a hearing must be in writing and received by the board  
25 prior to the 10th day following receipt of the notice of discharge.

26 (b) Before the 10th day following receipt of a request for a  
27 hearing under this section, the governing board of the institution

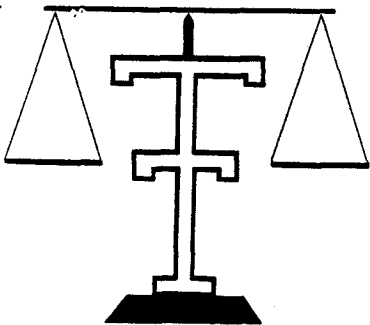
1 crowded condition of the calendars in both houses create an  
2 emergency and an imperative public necessity that the  
3 constitutional rule requiring bills to be read on three several  
4 days in each house be suspended, and this rule is hereby suspended.

Excerpts from NEA Washington Report, 28 April 1978

"SOCIAL SECURITY DEVELOPMENTS

NEA is working with Members of the House Ways and Means and the Senate Finance Committees to seek improvements in Social Security legislation. We are supporting a bill introduced by Representative Joe Waggoner (D-La.) to repeal the pension offset provision in the 1977 Social Security Amendments. Waggoner's bill, HR 10553, is pending in the Ways and Means Social Security Subcommittee. The bill would wipe out new language under which Social Security benefits payable to spouses--including surviving spouses--would be reduced by the amount of any governmental (federal, state, or local) retirement payable to the spouse based on his or her own earnings in non-covered employment. Although the offset provision is not effective until 1982, NEA is seeking every opportunity to have this discriminatory language deleted.

NEA is also working with Committee Members to secure an amendment to the 1977 legislation relating to the retirement test. Under the new law, teachers who were entitled to old-age or Medicare benefits but intended to continue working were encouraged by Social Security offices to file for those benefits. Under the old monthly test, persons who earned less than 1/12 of the annual maximum in any given month would receive full benefits for that month. Many teachers over 62 received benefits during July and August--the months between academic years. The new law abolishes the monthly test for the year after initial entitlement, and many teachers who plan to retire this year (after receiving benefits in previous years) come under the annual test. If these teachers retire in June, 1978, and have earned more than \$4000 in 1978, they will not be eligible for benefits for the remainder of the year. NEA is seeking to have the retroactive application of the law stopped, and is looking for the most appropriate legislative or judicial action to do so."



MEMO from the School of Law

Texas Tech University  
Lubbock, Texas

October 3, 1978

TO: Margaret Wilson, President, Faculty Senate  
FROM: Bruce Kramer, Chairperson, Retirement Investigation Committee  
RE: Interim Report

The ad hoc Retirement Investigation Committee has had two meetings to discuss the issues before it. Attached please find an agenda for the second meeting. The committee, in its meeting of September 29, 1978, informally agreed that the four steps proposed by the chairperson in the agenda dated September 22, 1978, would be the proper steps to take. Those four steps are:

1. Inquire through the proper administration channels, the present retirement policy now in operation at Texas Tech University and the Texas Tech University Medical School;
2. Analyze and study the new federal retirement statute and any regulations thereunder;
3. Prepare to draft a letter to approximately 25 schools, 15 in state, 10 out of state, regarding their institution's retirement policy;
4. Request that the most recent charge to the committee, namely the investigation and reporting of the possibility of retirement systems being combined with social security which results in loss of benefits to recipients, be referred to the University Benefits and Retirement Committee.

In addition, the chairperson suggested at the meeting that a letter be sent to the Retirement Committee to see if they already have the information regarding the retirement policies at other institutions.

The chairperson of the committee is now endeavoring to implement the five different actions discussed by the committee. A third meeting of the committee is tentatively scheduled for October 13, at which time the present Texas Tech retirement policy will be before the committee. In addition, a short analysis of the new federal retirement statute and a draft of the letter to other institutions will also be presented for approval by the whole committee. Within the next week, a letter will be sent to the University Benefits and Retirement Committee, asking them if they have any information regarding retirement policy at other institutions. Also, within one week, a formal letter will be sent to the president of the Faculty Senate requesting that the most recent charge to the committee, namely the investigation and reporting of the possibility of retirement systems being combined with social security with a resulting loss in benefits to recipients, be referred to the University Benefits and Retirement Committee which possesses the necessary expertise to deal with this issue. It was the sense of the committee that its lack of expertise and knowledge in the area of retirement system options would not allow it to adequately study the intricate problems of interaction between federal and state retirement systems.

PROPOSED AMENDMENT TO THE CONSTITUTION OF THE FACULTY SENATE OF TEXAS TECH UNIVERSITY

Article III., Section 4, Paragraph 2 shall be deleted and replaced by the following paragraphs:

If a senator is unable to complete the term for which he or she was elected, the Faculty Senate shall conduct a special election to fill the vacancy from the appropriate constituency. The specially elected senator shall complete the unexpired term of the senator originally elected.

If a senator has knowledge in advance that he or she will be absent from two or more consecutive Faculty Senate meetings as a result of illness, absence from campus, or other temporary cause, the senator shall inform the President of the Faculty Senate of the situation. The President of the Faculty Senate shall then appoint as an interim senator the individual from the appropriate constituency receiving the most votes but not elected during the most recently conducted Faculty Senate election. Such interim senators shall serve until the elected senator returns or until the end of the term of the seat he or she occupies. In the event that two or more individuals fill the qualifications for an interim appointment, the President of the Faculty Senate shall select one of the individuals using an appropriate means of random selection such as a coin toss, drawing of straws, or drawing of names.

Rationale: The Constitution does not state what procedures will be followed if a Senator must be away from campus temporarily. The Senate has an immediate need for such provision with the notification to the President that a Senator will have a leave of absence during the Spring 1979 semester.



PROPOSED AMENDMENT TO THE CONSTITUTION OF THE FACULTY SENATE OF TEXAS TECH UNIVERSITY

Article V., Section 4, Paragraph 2 shall be deleted and replaced by the following paragraph:

The position of chairperson of the Athletic Council of the University shall not be open to nomination by the Faculty Senate.

Rationale: This is needed to update the Constitution since the original paragraph referred to the chairpersons of the Men's Athletic Council and the Women's Athletic Council. There is no change in intent of the paragraph.