

Minutes

Faculty Senate Meeting #29

January 14, 1981

The Faculty Senate met on Wednesday, January 14, 1981, at 3:30 p.m. in the Senate Room of the University Center with Roland Smith, president, presiding. Senators present were Bacon, Blaisdell, Cepica, Clements, Cochran, Collins, Conover, Dale, Denham, Dixon, Gipson, Harris, Higdon, Hill, Horridge, Jebson, Keho, Kimmel, McGuire, McPherson, Masten, Moreland, Morris, Nelson, Newcomb, Owens, Schoen, Sellmeyer, Stewart, Tan, Troub, Volz, Williams, Wilson, and Wood. Anderson, Filgo, Kellogg, McDonald, Sanders and Shine were absent because of university business. Biggers, Freeman, Gilbert, Kunhardt, Lee, Malloy, Mogan, Rude, and M. Smith were also absent.

The guests were Len Ainsworth, Interim Vice President for Academic Affairs; Arnold Gully, Associate Vice President, Research Services; Ruthanne Brockway, Avalanche Journal; Preston Lewis, University News & Publications; Ernest Fish, Park Administration and Landscape Architecture; and Ernest Sullivan, Parliamentarian.

SUMMARY OF BUSINESS CONDUCTED:

The Faculty Senate:

1. Heard results of the recent Senate elections,
2. Heard Arnold Gully report on the Academic Leadership Development Program,
3. Deferred action on the report and recommendations from the Ad Hoc Committee on Academic Freedom until the March 11, 1981 meeting,
4. Approved the recommended Committee on Nominations, and
5. Heard brief comments concerning the Ad Hoc Van Committee's recommendations and the upcoming February 3, 1981 faculty meeting.

I. MINUTES OF THE DECEMBER 10, 1980 MEETING

Attention was called to two typographical errors in the minutes of the December 10, 1980 meeting. On page 1, a period, rather than a comma, should appear after Wood in paragraph one, line six, and on page two, paragraph one, line nine, 1885 should be 1985. As Ainsworth pointed out, item 3 of the Summary of Business Conducted should read "Recommended that future class schedules be more carefully edited." McPherson moved approval of the corrected minutes. The motion carried unanimously.

II. RESULTS OF SENATE ELECTIONS

Smith asked permission to move agenda item five to the next item of business, and, after hearing no opposition, introduced Ernest Fish, Chairperson of the Elections Committee who reported that seven new senators had been elected to fill vacancies. W. J. Conover (1982) and Robert J. Freeman (1981) were elected from the College of Business Administration, Julian Biggers (1982) from the College of Education, Erick E. Kunhardt (1982) from the College of Engineering, and Beverly Gilbert, (1981) from the College of Arts and Sciences. Robert Moreland (1982) and Ralph Sellmeyer (1981) were elected as Representatives At-Large. The new members present introduced themselves. Smith thanked Fish for his service on the Elections Committee.

III. ACADEMIC LEADERSHIP DEVELOPMENT PROGRAM

Arnold Gully spoke briefly about the Academic Leadership Development Program and its goal of establishing a climate of excellence in leadership on campus. He expressed hope that, as the program is established during the next three years, it will ultimately reach each person on campus. The program originated in a meeting of the Research Coordinators, and the resulting proposal received funding from the Governor's Office of Management and Budget. Gully expressed pleasure that the proposal ranked first among the twenty-seven submitted to the OMB and that it was funded without revision of any kind. The Research Coordinators recognized that most people who are in positions of assigned leadership come from a background of excellence in a particular discipline; this background, combined with personality, character, initiative and so forth add up to the potential of a good leader, but usually there is no further training in leadership.

One-hundred-seventy-five of the two-hundred-twenty five possible participants attended the "kickoff" of the program. These participants were specifically selected from those faculty who are involved as major project directors, major research directors, and those primarily in administration. Leadership is not limited to these categories; this is merely a starting point. Department chairpersons, deans, vice presidents, the President, and the directors of the program were also in the group.

In general terms, the objectives are to establish a climate of excellence in leadership on this campus. This broad general goal has been broken down into more specific objectives. An advisory board of nine people is expected to provide guidance in the program and help maintain its credibility. The program evolving is tentative and consists of a series of workshops on such things as communications, team building, goal and objective setting, conduct of meetings, organizational functions, institutional planning, time management, and individual development planning. Not all concerns will be addressed this year, but hopefully those in the most crucial areas will be. Gully emphasized that this is not a "cure all" for leadership and management problems at Texas Tech, but rather an attempt to improve the nature and kinds of leadership available.

IV. REPORT OF THE AD HOC COMMITTEE ON ACADEMIC FREEDOM

William Stewart, chairperson of the Ad Hoc Committee on Academic Freedom, referred to the committee report circulated with the agenda and invited questions or responses. Newcomb said the report's conclusions and recommendations raised major questions concerning certain standing committees, the Grievance Panel in particular. He asked on what basis the Ad Hoc Committee assumed that the Grievance Panel was not working adequately. Stewart said this became apparent during a joint meeting of the Ad Hoc, Grievance, and Tenure and Privilege Committees and that responses to one item on the data-gathering questionnaire also pointed to this conclusion. The questionnaire revealed that the faculty does not feel that the Grievance Panel is the place to air problems comfortably. Newcomb said the Senate should not act on the report's recommendations until it has more information from the Grievance Panel. Blaisdell agreed that further clarification was needed before decisions could be reached and added that the report's recommendations would add to committee overlap. In response, Stewart said the Tenure and Privilege Committee had attempted to deal with academic freedom as it related to tenure but that, since academic freedom involved more comprehensive issues, a University Committee was desirable.

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Stewart moved acceptance of the report's resolution. Schoen said he did not want to drop the report but that he would like to hear from the Grievance Panel before voting. Newcomb moved that action on the resolution be postponed until the March 11, 1981 meeting and that the Grievance Panel be invited to the February 11, 1981 meeting. The motion passed without objection.

Noting that the Committee had been working for two years, Smith thanked its members for their activity. Wilson moved that the minutes of the meeting reflect the Senate's appreciation of the work of the Ad Hoc Committee. The motion carried without objection.

Newcomb moved that copies of the report be sent to members of the Grievance Panel and the Tenure and Privilege Committee. The motion passed without objection.

V. COMMITTEE ON COMMITTEES

Masten read the revised charge of the Faculty Senate Standing Committee on Nominations, which was approved at the May 7, 1980 Senate meeting: "Each year at its January meeting, the Committee on Committees shall nominate and the Faculty Senate elect three members, in their last year of service, each from a different college or school of the university to serve as a committee for the purpose of nominating candidates for the Senate offices for the succeeding year. There shall be no less than two nominees for each position. Nominees's names will be presented to the Senate at its February meeting, at which time any nominations from the floor must be made. Elections will be held at the March meeting."

Masten then submitted the slate of nominees to serve on the Faculty Senate Standing Committee on Nominations: Clara McPherson, Home Economics; James R. McDonald, Engineering; Leon Higdon, Arts and Sciences; with Paul Dixon, College of Education, as an alternate. Masten's motion to approved this slate of nominees carried without opposition.

VI. OTHER BUSINESS

In response to an inquiry about action on the recommendations of the Faculty Senate Ad Hoc Van Committee, Ainsworth replied that his office still has some of the recommendations under consideration. He added that six new vehicles have been purchased, three are on order, and several others have been leased. He indicated that most of the current needs are now being met.

Smith reported that he, as directed by the Senate at its December 10, 1980 meeting, wrote a letter to President Cavazos, expressing the faculty's "concern and distress" that members were appointed to the committee involved in the search for an Academic Vice President without consultation with the Senate. Smith read President Cavazos's reply in part: "The matter of committee appointments was addressed in my letters of October 27 and November 7, 1980, and my views are unchanged. In the appointment of the search committee for a Vice President for Academic Affairs, there is no departure from these views. Additionally, I think you will agree that the faculty members on the committee

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Other Business continued.....

are most worthy representatives of the faculty and their appointment by me does not exceed my authority."

Smith reminded the Senate that a general faculty meeting is scheduled for Tuesday, February 3, 1981 at 3:00 p.m. in the Ballroom of the University Center. At this time the entire faculty will have the opportunity to consider the proposed revision of the TTU Tenure Policy, Part IV, Section 8. The revision will be voted upon by the voting faculty present. The proposed revision of the Tenure Policy will be mailed to the faculty at least a week before the meeting.

Questions were raised by Collins and Newcomb as to the definition of a quorum at such a meeting. Smith said the Senate constitution did not address the question of a quorum specifically, and he read Section 6 of Article 5. Smith and Sullivan, referring to Robert's Rules of Order, said a quorum would consist of the majority of those voting at the meeting. Newcomb pointed out that any faculty member at the meeting could call for a mail ballot on the question if he or she felt aggrieved over the interpretation of quorum.

The meeting adjourned at 4:25 p.m.



Leon Higdon, Secretary
Faculty Senate

1/19/81



Texas Tech University

The Faculty Senate

January 22, 1981

TO: All TTU Faculty

FROM: The Faculty Senate

SUBJECT: Special meeting of the Faculty for the purpose of considering a proposed revision of the TTU Tenure Policy, Part IV, Section 8.
(cf. Faculty Handbook, 1976-1977, p. 47)

DATE, TIME, & PLACE:

T U E S D A Y, F E B R U A R Y 3, 1 9 8 1

3:00 P.M.

U N I V E R S I T Y C E N T E R B A L L R O O M

The Faculty Senate, after consideration by its members and the Senate Faculty Status and Welfare Committee, decided that the enclosed proposed revision of the TTU Tenure Policy should be discussed by the entire faculty, and voted upon by the voting faculty.

The voting faculty is defined by Article II, Section 1, of the Constitution of the Faculty Senate of Texas Tech University as "all persons under full-time contract who have completed a residence of one year at this University and who are tenured or who hold appointments that make them eligible for tenure."

While only the "voting faculty" may vote on this proposal, all faculty members (whether "voting" or "non-voting") are encouraged to attend this meeting because of the importance of the subject to everyone.

PROPOSED REVISION OF TTU TENURE POLICY, PART IV, SECTION 8

1 8. If a probationary faculty member believes that a decision to
2 deny reappointment

3 (a) was made for reasons violating academic freedom;

4 (b) was made without adequate consideration of professional
5 performance;

6 (c) was made after significant noncompliance with prescribed
7 procedures;

8 (d) was based upon factors lacking a substantial relationship to
9 professional fitness or performance; or

10 (e) was based upon a criterion not listed among the prescribed
11 evaluative criteria for reappointment or admission to tenure,
12 the faculty member may present these allegations, which shall include the
13 specific grounds supporting them, in writing to the chairperson of the
14 University Standing Committee on Tenure and Privilege. The elected members
15 of the Committee shall give preliminary consideration to the faculty
16 member's complaint. If the Committee concludes that there is probable
17 cause for the complaint, the matter shall be heard in accordance with the
18 procedures outlined in Section VI, except that the faculty member shall
19 be responsible for stating the grounds upon which the allegations are
20 based and shall bear the burden of proof.

21 In no case shall the Committee find probable cause if nonreappointment
22 was for reasons of bona fide financial exigency or in consequence of a
23 duly considered and authorized deletion of an academic program or part
24 thereof.

2.
participation as citizens in the community; and (5) to provide appropriate procedures of due process for establishing justification of possible termination of tenure, so that faculty members may be guaranteed adequate notice and a fair hearing.

III. Customary Types of Appointment

Appointments which may be made upon the basis of continuing appointments are:

Instructor
Assistant Professor
Associate Professor
Professor

Appointments which are probationary and which may lead to the admission to tenure are:

Instructor
Assistant Professor
Associate Professor
Professor

• Appointments which do not acquire tenure are:

Part-time Instructor (including part-time assistant, associate, and full professor)

46. Visiting Professor
Adjunct Professor (a part-time appointment)
Consulting Professor (a part-time appointment)

IV. Admission to Tenure

1. A reasonable probationary period shall be required of a teacher of any rank before he may acquire tenure in the University. In exceptional instances, associate professors and professors may be appointed with tenure, when such appointments are made through normal tenure-granting procedures. In addition, tenure may not be granted as a result of promotion unless the same procedures have been used.

2. The precise terms and conditions of every appointment shall be stated in writing and shall be in possession of both the University and the teacher before the appointment is consummated.

3. The probationary period for an instructor is seven years.

4. The probationary period for an assistant professorship is seven years. The teacher within the University who is promoted from the rank of instructor without tenure to that of assistant professor shall acquire tenure if he has served in the rank of instructor for a period of seven years or more in the University. Years of service in the instructorship of the University, if fewer than seven, shall be counted toward completion of the seven-year probationary period for the assistant professorship.

5. The probationary period for an associate professorship is four years. The teacher within the University who is promoted from assistant professor without tenure to associate professor shall thereby acquire tenure when his total service at the University is four years.

6. The probationary period for a professorship is three years. The teacher within the University who is promoted from the rank of associate professor without tenure to the rank of professor shall thereby acquire tenure when his total service at the University is three years.

7. If an individual has served as a teacher in another institution of higher learning, or if he has had other comparable experience, the University may count that experience as one year of his probationary period, if the original letter of appointment of appointment so stipulates.

8. If a faculty member on probationary appointment alleges that a decision not to reappoint him is caused by considerations violative of academic freedom, his allegations shall be given preliminary consideration by a faculty committee. If the committee concludes that there is probable cause for the faculty member's allegation, the matter shall be heard in accordance with the procedures outlined in Section VI, except that the faculty member shall be responsible for stating the grounds on which he bases his allegations and the burden of proof will rest upon him.

V. Grounds for Termination of Continuing Appointment

Grounds for termination of continuing appointment are only for adequate cause, except in the case of retirement for age, or under extraordinary circumstances because of demonstrably bona fide financial exigency.

VI. Procedure for Termination of Continuing Appointment

Termination of the employment of a faculty member who enjoys continuing appointment and of all other faculty members before the expiration of the stated period of appointment, except by resignation or retirement for age in accordance with the regulations of the University, will be only for adequate cause shown. In each case the issue will be determined by an equitable procedure, affording protection to the rights of the individual and to the interests of the University. In cases where the accused admits his conduct constitutes adequate cause, or does not choose to have a hearing, he may offer in writing his resignation.

Pending the filing of formal charges of unfitness to teach, every reasonable effort should be made to mediate and conciliate differences. The Committee on Tenure and Privilege shall appoint at least two professors to make a rigorous attempt at confidential, equitable, and expeditious mediation. Only after such attempted mediation shall formal charges be filed.

In all cases of formal charges of unfitness to teach, the accused faculty member will be informed in writing of the charges against him, which, on reasonable notice, will be heard by a special hearing committee made up of five members chosen from a panel of ten senior faculty members elected annually by the Executive Committee of the Faculty Council (which is itself elected from and by the faculty). Two of the members of the hearing committee shall be designated by the Executive Committee

Comments

The University Tenure and Privilege Committee (hereinafter "the Committee") is established by the Board of Regents in the TTU Tenure Policy. The Committee has two important functions: (1) to make recommendations pertaining to the tenure policy, and (2) to decide if there is "probable cause" that a complaining probationary faculty member has been denied reappointment for reasons violating academic freedom.

The proposed revision relates to the Committee's "probable cause" function. Under the present text of the TTU Tenure Policy, Part IV, Section 8, a finding by the Committee of probable cause that a violation of academic freedom has occurred activates a Special Hearing Committee to hear the faculty member's complaint in an adversary proceeding wherein the faculty member is the petitioner and the University administration is the respondent. The findings and recommendations, if any, of the Special Hearing Committee are presented to the Board of Regents for action. (TTU Tenure Policy, Part VI, 1976-77 Faculty Handbook, pp. 47-48.)

The proposed revision substantially increases the specific grounds upon which the Committee might find probable cause that a violation has occurred. Authority to find probable cause should not be confused with the exercise of that authority. The Committee is neutral. It is neither advocate nor adversary of the faculty member or the University administration.

Expansion of the probable cause grounds beyond "academic freedom" is required by the persistent problems encountered in defining the precise meaning and scope of "academic freedom" and the need to provide specific additional safeguards for probationary faculty members who are denied tenure or reappointment. These proposed supplementary proscriptions--some procedural, some substantive--are consistent with the proper goals and administration of the tenure policy and consistent as well with a fair personnel policy.

Tenure should not be awarded to faculty members whose qualifications and professional performance are deficient. Awarding tenure to unqualified persons is contrary to the best interests of the faculty and the University and thereby endangers the tenure system itself. This proposed revision does not guarantee tenure or reappointment for unqualified persons. The revision merely requires that decisions to award or deny tenure, to reappoint or terminate, be made in accordance with prescribed procedures, be made after consideration of relevant factors, and be made for legitimate reasons.

The proposed revision also includes less significant changes to the present text of Part IV, Section 8. In accordance with past practice and custom, the revision specifically identifies the "faculty committee" as the University Standing Committee on Tenure and Privilege. The revision, again reflecting past practice and custom, states that the "probable cause" complaint shall be considered by the elected members of the Committee. Although the President and Vice President for Academic Affairs are ex officio members of the Committee, these officers in past years have not participated in the probable cause proceedings of the Committee.

The final paragraph of the proposed revision makes explicit what has always been implicit.