

Minutes

Faculty Senate Meeting #32

April 8, 1981

The Faculty Senate met on Wednesday, April 8, 1981, at 3:30 p.m. in the Senate Room of the University Center with Roland Smith, president, presiding. Senators present were Anderson, Bacon, Biggers, Blaisdell, Cepica, Clements, Cochran, Collins, Conover, Dale, Denham, Filgo, Gilbert, Harris, Higdon, Hill, Horridge, Jebson, Keho, Kellogg, Kimmel, Lee, McDonald, McPherson, Malloy, Masten, Mogan, Moreland, Nelson, Newcomb, Owens, Rude, Sanders, Schoen, Sellmeyer, Shine, M. Smith, Stewart, Tan, Troub, Volz, Williams, Wilson, and Wood. Kunhardt and McGuire were absent because of university business. Dixon, Freeman, Gipson and Morris were absent.

Guests included C. Len Ainsworth, Interim Vice President for Academic Affairs; Ernest Sullivan, Parliamentarian; Ruthanne Brockway, Avalanche-Journal; Preston Lewis, University News and Publications; Pam Baird and Pat Broyles, Channel 28, Kippie Hopper and Kellie McKenzie, University Daily; William J. Mayer-Oakes, Anthropology; Donald T. Dietz, Classical and Romance Languages; and Richard A. McGowan, Music.

SUMMARY OF BUSINESS CONDUCTED:

The Faculty Senate:

1. Heard the report of the Ad Hoc Committee to Confer with the President;
2. Approved three recommendations of the Ad Hoc Committee;
3. Postponed action on the proposed Financial Exigency Regulation until the May meeting; and
4. Heard a brief report concerning non-tenure track positions.

I. MINUTES OF THE MARCH 11, 1981 MEETING

Typographical errors in the March 11, 1981 minutes were corrected, and chairperson was changed to ex-chairperson (page 2, point C, line 4). Anderson moved approval of the minutes as amended. The motion carried.

II. COMMITTEE REPORTS

A. Report of the Ad Hoc Committee to Confer with the President

Newcomb referred to the report of the ad hoc committee, which was circulated at the meeting, and moved adoption of the first recommendation; "Resolved, that it is the opinion of the Faculty Senate that the President's failure to refer the matter of a finding of probable cause [by the former Tenure and Privilege Committee] to a special hearing panel is in violation of the University tenure policy."

Anderson proposed adding "by the former Tenure and Privilege Committee" after "probable cause." His proposal was accepted as a friendly amendment. Dale asked if a compromise had been discussed with President Cavazos; Cochran asked if point one of Phelan's February 25, 1981 memo had been discussed; Newcomb said no compromise was discussed and that point one had been raised. Dale, Schoen, Smith, and Newcomb briefly sketched the chronology of events involving the Tenure and Privilege Committee. Dale said no "secret meeting" had been held; Schoen recalled administrators who had attended the Tenure and Privilege Committee meetings; and Newcomb explained that the ad hoc committee reviewed the Tenure and Privilege Committee's minutes carefully before meeting with the President.

Ainsworth and Dale pointed out that two different hearings have taken place.

Committee Reports continued.....

Schoen observed that tenure policy places no requirement on how the Tenure and Privilege Committee shall function and grants it no powers to resolve issues. Collins explained that the Tenure and Privilege Committee has handled several cases in the past, finding in favor of the administration, and that no objections had arisen concerning its procedures.

In response to questions from Blaisdell and Wilson, Schoen and Stewart affirmed that the Vice President for Academic Affairs and the President traditionally have not attended "probable cause" meetings.

Smith noted that due process and legitimacy of the body functioning are the major questions.

Collins read from the 1970 Faculty Handbook a note vesting jurisdiction in the Tenure and Privilege Committee and then referred to common-law tradition and the 1971 Faculty Handbook. Smith referred to the Board of Regents Policy Manual (copies of which are available in the Senate Office and the Reference Room of the Library).

Newcomb said the ad hoc committee addressed the issues firmly in terms of past practice, but that President Cavazos was not impressed by past practice. Schoen added that legal counsel had ignored past practices and procedures.

Point one of the report was approved without dissent.

Newcomb moved approval of point two of the report:

"that a reply be sent to the President and the Vice-President for Academic Affairs, in regard to the intended appointment of a tenure policy review committee. This reply should stress two points:

a) The Senate requests that the Academic Vice President consult with the Senate committee on committees in recommending appointments to the tenure policy review committee, to insure that the most qualified faculty members are appointed.

b) The Senate is of opinion that the present differences in interpretation of the tenure policy arise in part from clerical errors. The first duty of the tenure policy review committee should be to correct these errors by reference to precedent and to previous policy interpretations."

Part (b) of the point was discussed by Nelson, Newcomb, and Smith. Newcomb said the omission of the crucial footnote from the 1976 Faculty Handbook should be explained. Smith added that the transition from the Faculty Council to the Faculty Senate resulted in some confusion in documents. Collins moved to strike part (b). Blaisdell and Schoen spoke in opposition. The amendment was approved by a voice vote, the President of the Senate ruling in favor of the ayes. Amended point two was approved with no objections.

Newcomb moved approval of point three:

We move that a Senate study committee be directed to undertake a study of the feasibility of the retaining of legal counsel by the faculty, who would in regard to university-related problems advise and represent the faculty members involved.

Committee Reports continued.....

Cochran questioned the advisability of approving point three; Shine said he saw the need for faculty having access to legal counsel and cited several possibilities. Schoen emphasized that point three involved a study committee and not a policy decision.

Point three was approved.

Point four of Newcomb's report was brought up by President Cavazos and was included by the report as a matter for information:

"We believe we should report that in the course of our conference with the President, he questioned the representativeness of both the Senate and the Tenure and Privilege Committee. He inquired of us how many faculty voted in elections. We note he did not pursue this matter in his written reply, but we think the Senate should be aware of it."

At this point in the discussion, the Senate President presented to the Senate the following information:

Texas
Total Votes, 1978, Selected Representative
State Wide Offices

Voting age population --	8,503,000
Office and Votes	% of Voting Age Population
Governor 2,369,699	28%
Lt. Governor 2,210,292	26%
Treasurer 1,612,924	19%
Comptroller of Public Accts. 1,288,320	15%

VOTES FOR SENATORS AND TENURE & PRIVILEGE COMMITTEE - 1980

School College	Voting Faculty	Votes	% of Faculty Council
Ag	68	48	71%
A & S	407	159	39%
BA	48	20	42%
ED	58	33	57%
ENGR.	102	60	59%
HE	42	19	45%
LAW	24	15	62%
Tenure & Priv.	749	318	42%

Nelson moved that the figures present by R. Smith be entered into the minutes of the meeting. The motion carried.

Shine proposed a vote of thanks to R. Smith for compiling this information.

Committee Reports continued.....

Newcomb raised point five:

"We call attention to the President's statement in his letter that the Senate elect new members of the Tenure and Privilege Committee. This is one of the differences in interpretation. Pursuant to precedent the Elections Committee of the Senate has begun a general faculty election for this committee. We recommend that when the five elected members are chosen by the faculty, the Senate ratify those choices."

Point five was briefly discussed. Mogan moved that the former members of the Tenure and Privilege Committee be declared eligible for reelection. Mogan brought up the possibility that former members of the committee might be elected and asked for clarification of their eligibility. M. Smith, Sanders, and Cochran commented on the issue. Stewart and Collins said that it would not be good strategy to re-elect the members of the Tenure and Privilege Committee in view of their protest resignation.

Cochran moved that the Senate understand the election policy to allow ex-members to be eligible for re-election. This motion was seconded. Lee moved the previous question. Discussion ended, and Cochran's motion failed.

The Senate advised its President to refer the matter of the feasibility of legal counsel to one of the Standing Study Committees of the Senate and to seek the advice of the Vice President and the Secretary of the Senate in making this assignment.

Stewart inquired of Newcomb if the ad hoc committee considered other strategies than those recommended. For instance, did the ad hoc committee consider the possibility of representation to the Board of Regents. Newcomb said the ad hoc committee did not.

Stewart introduced the following motion:

"That the Faculty Senate request the Board of Regents to consider the circumstances which relate to the resignation of all of the elected members of the University Standing Committee on Tenure and Privilege;

"That the Faculty Senate suggest a meeting between the Board's Committee on Academic and Student Affairs and the Senate's delegation which conferred with President Cavoza on this issue as a useful part of the requested consideration."

Clements spoke against Stewart's motion. M. Smith also spoke against the motion.

Stewart's motion failed.

III. OLD BUSINESS

a. Proposed Financial Exigency Regulation - R. Smith

At the March 11, 1981 meeting of the Faculty Senate Collins moved the approval of the proposed Financial Exigency Regulations (a copy of which was circulated with the agenda of the February meeting). After some discussion a motion to table the proposed Financial Exigency Regulations report until after the delegation selected met with the President was introduced by Cochran. The motion to table carried.

Old Business continued.....

Smith placed the matter before the Senate with a motion to adopt. Wilson, Collins, Schoen, Clements, Nelson and Stewart discussed the document.

Stewart referred to paragraph 13, saying it seems to limit department or area faculty input only to decisions with respect to faculty deletions and not with respect to other programmatic or other area changes that might be made within that department or area. Nelson replied that in his opinion #13 was to be considered in conjunction with #12.

Stewart offered the following amendment to paragraph 13 so that it would read "The faculty in each department or area will review that department or area and report to the deans the programmatic or personnel changes which they recommend."

Collins, Wilson and M. Smith discussed the amendment.

Wilson wished paragraph 12 and 13 reversed.

At this point Stewart moved to recommit the document to the Welfare & Status Committee. R. Smith ruled Stewart's motion to recommit out of order.

Stewart then moved to table the report until the next meeting. The motion to table carried with 18 votes for and 15 against.

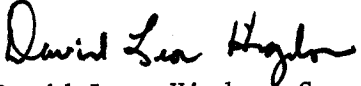
McDonald suggested that if Senators have suggestions or questions concerning this Report of the Faculty Status & Welfare Committee concerning Proposed Financial Exigency Regulations that those suggestions and questions be made known before the next Senate meeting. Suggestions and questions should be received in the Senate Office (in writing) 10 days before the next meeting so that the Agenda Committee can study the matter.

b. Report on policy regarding non-tenure track faculty - Ainsworth

Smith said the question had been raised concerning the large number of people who are not on tenure track and the Senate would be interested in knowing what progress has been made since the last report on the matter. Dr. Ainsworth gave a brief report on the matter in which he said some progress has been made, but no policy as yet has been proposed for adoption. In lieu of policy there have been some practices implemented in an attempt to reduce the number of non-tenured people. Some difficulty in attempting to determine exactly who should be in a tenure track as related to people employed more than half time in roles other than faculty -- completely on research, research projects, things of this nature.

When asked if the number of positions converted to tenure positions has increased substantially since last fall, Ainsworth said the number of non-tenured positions has diminished.

The meeting adjourned at 5:25 p.m.


David Leon Higdon, Secretary
Faculty Senate
4/21/81

April 6, 1981

Report of the Senate delegation appointed to confer with President Cavazos concerning his decision not to refer a denial of tenure case to a special hearing panel, and the resulting resignation of the elected members of the Tenure and Privilege Committee.

The President's reply to the Senate after meeting with the delegation is before the Senate. We conceive that our proper report is rightly a series of recommendations of actions to be taken in light of his reply.

- 1) We move the following resolution to put the Senate clearly on record: RESOLVED, that it is the opinion of the Faculty Senate that the President's failure to refer the matter of a finding of probable cause to a special hearing panel is in violation of the university tenure policy.
- 2) We move that a reply be sent to the President and the Vice-President for Academic Affairs, in regard to the intended appointment of a tenure policy review committee. This reply should stress two points:
 - a) The Senate requests that the Academic Vice President consult with the Senate committee on committees in recommending appointments to the tenure policy review committee, to insure that the most qualified faculty members are appointed.
 - b) The Senate is of opinion that the present differences in interpretation of the tenure policy arise in part from clerical errors. The first duty of the tenure policy review committee should be to correct these errors by reference to precedent and to previous policy interpretations.
- 3) We move that a Senate study committee be directed to undertake a study of the feasibility of the retaining of legal counsel by the faculty, who would in regard to university-related problems advise and represent the faculty members involved.
- 4) We believe we should report that in the course of our conference with the President he questioned the representativeness of both the Senate and the Tenure and Privilege Committee. He inquired of us how many faculty voted in elections. We note he did not pursue this matter in his written reply, but we think the Senate should be aware of it.
- 5) We call attention to the President's statement in his letter that the Senate elect new members of the Tenure and Privilege Committee. This is one of the differences in interpretation. Pursuant to precedent the Elections Committee of the Senate has begun a general faculty election for this committee. We recommend that when the five elected members are chosen by the faculty, the Senate ratify those choices.

Respectfully submitted,

B.H. Newcomb, chair
Cary Elbow
Rod Schoen