



Texas Tech University

The Faculty Senate

December 4, 1981

TO: Members of the Faculty Senate

FROM: Benjamin H. Newcomb, President

SUBJECT: Agenda for meeting #37, December 9, 1981

The Faculty Senate will meet on Wednesday, December 9, 1981, at 3:30 p.m. in the Senate Room of the University Center. The agenda is as follows:

- I. Minutes of the November 11, 1981 meeting .
- II. Determination of the date of the January meeting.
- III. Report of the Committee on Committees
- IV. Report of standing committees of the Senate: Study Committees A and C (see attachment).
- V. Report of the Senate members of the ad hoc Committee on Tenure Procedures-- Professor R. Smith (see attachment) .
- VI. Discussion of recent procedures pertaining to the tenure policy (see attachment) .
- VII. Recommendation proposing an Energy Usage and Conservation Committee (see attachment) .
- VIII. Resolution: Be it resolved, that the \$3,500 given to the Faculty Senate by the Ex-Students' Association in 1980 and 1981, for the purpose of "faculty enrichment," be applied to the 1982-1983 "Mini-Development Grants" program; and further, that the Senate President supervise the transfer of these funds in accordance with this resolution (see attachment),
- IX. Discussion of the provision in the application for semester--year faculty development leaves, requiring a recommendation from chairpersons and deans regarding research capabilities of the applicant -- Professor J. Brink (see attachment).
- X. Other Business and Announcements
 - A. Disposition of Senate recommendations:
 1. By letter of November 23, Vice-President Darling has replied affirmatively to the Senate recommendation in regard to commencement policies (see attachment).

2. By letter of November 4, Vice-President Darling reports that the Financial Exigency recommendations require "some revisions" and that they are being compared with those of other universities.

B. Other Actions of University Officers and Committees:

1. On November 13 the Board of Regents adopted a new policy in regard to granting honorary degrees. One important provision is that "nominations will be evaluated by an advisory committee appointed by the President, with administrative, faculty, and student representation, and recommendations will be made to the President."
2. Vice-President Darling has responded negatively to the proposal of the Senate of the November meeting that he and a Senate study committee further consider faculty evaluation of administrators (see attachment).
3. The Faculty Benefits and Retirement Committee has informed the Senate President that it does plan to poll the faculty on insurance benefits, including health and term life insurance.

Agenda item IX.

Faculty Development Rating Form

To be completed by the Chairperson and Dean of the faculty member requesting a development assignment.

Proposal of _____ Dept./Area _____

Type of assignment proposed:

_____ Mini Development _____ Summer Teaching Development _____ Faculty Development Leave

For the Chairperson:

- A. _____ The applicant meets the eligibility requirements.
_____ The proposal is acceptable for review based on the information requested in the Application Form.
_____ If this leave is granted, part of the individual's teaching responsibility can be assumed within the department (area).
- B. Evaluation of the proposal in terms of the stated goal or purpose. (Including: clarity, completeness, reality, implication)
- C. Evaluation of the probability that the experience outlined in the proposal will enable the applicant to achieve the ends originally stated. (Including: nature of experience, quality of experience, time of experience, intensity of experience, record of productivity)
- D. Evaluation of the proposal in terms of the probable value of the achievement or improvement to the Department, College and University. (Including: instructional in nature, broadly beneficial, growth oriented)
- E. Summary evaluation. 1 2 3 4 5 6 7 8 9 10 (circle one) - best score is 10.
_____ I have elected to attach additional information regarding my evaluation of this project: (Initial only if action is taken.)

Chairperson/Coordinator

Date Submitted to Dean

For the dean:

_____ I have read this proposal and support the belief of its author that it will make a significant contribution.

_____ I have elected to attach additional information regarding my evaluation of this project. (Initial only if action is taken.)

_____ I understand that if this leave is granted, that a part of the individual's teaching responsibility can be assumed within the College.

Dean

Date Submitted to Vice President
for Academic Affairs



Texas Tech University

Office of the Vice President for Academic Affairs

November 23, 1981

Dr. Benjamin H. Newcomb
President, Faculty Senate
Holden Hall
Campus

Dear Dr. Newcomb:

This letter is written in reference to your letter of November 18 regarding commencement programs. It may be assumed that barring any unforeseen circumstances, Texas Tech University will plan to have both a fall and spring commencement each year. With regard to each of the recommendations from the Faculty Senate, let me respond as follows:

1. The Faculty Senate will be consulted if any major changes are planned in the future with regard to the final examination policy and schedule
2. The number of commencement sections will obviously be a function of the precise programming that is needed for the fall and spring occasions.
3. Every effort will be made to ensure that equally high quality will be maintained for both the fall and spring commencements.
4. The administration will continue to seek the recommendations of the Convocations Committee with regard to any general plans for future commencements. The Faculty Senate will also be consulted regarding any major issues concerning these programs.

If you have any further questions concerning these matters, please feel free to contact me.

Sincerely yours,

A handwritten signature in cursive script that reads "John R. Darling".

John R. Darling
Vice President for
Academic Affairs

JRD/ljs

xc: President Lauro F. Cavazos

Agenda item V.

Report of the Senate members of the ad hoc Committee on Tenure Procedures

This committee was formed in May 1981 as a result of a conference between President Cavazos and officers of the AAUP. It was charged with "examining all pertinent rules, regulations and documents to develop understanding of procedures related to tenure within existing policy. Of particular concern are procedures related to a faculty member who may, having been denied tenure, allege that the decision not to reappoint is caused by considerations violative of academic freedom." The committee was composed of Vice-President Ainsworth, chair, Vice-President J. Knox Jones, AAUP officers Wendell Aycock and Jacquelin Collins, and present and past Faculty Senate Presidents Benjamin Newcomb and Roland Smith. The Committee met on May 28, June 17, June 19, in early October, and was disbanded November 18, although a further meeting had been planned. The chair of the committee reported to members that the committee's decisions were forwarded to the Academic Affairs office and to the General Counsel. No final formal report was prepared by the committee.

The Senate members on the committee believe it important that the conclusions of the committee be put on record, and hereby submits its report to the Senate in lieu of an official report. A preliminary report has already been submitted to the Senate on September 9, 1981; and members had reported to the Senate on the subsequent inactivity of the committee.

At the first meeting on May 28, the committee agreed without dissent that "a faculty committee" as referred to in Section IV Paragraph 8 of the Tenure Policy should be the Tenure and Privilege Committee or a committee designated by it. This reaffirmed the position of the resigned members of the Tenure and Privilege Committee, and the Senate, that the Tenure and Privilege Committee shall give preliminary consideration to allegations that tenure was denied for reasons violative of academic freedom. No notes of this meeting were distributed, but notes of the June 19th meeting contain subsequent committee decisions, all reached in consensus among members:

"If, after appropriate inquiry, the committee concludes that there is probable cause for the faculty member's allegation, the matter shall be heard by the Special Hearing Committee as described in the following paragraph (and section 6 of the Tenure Policy)."

"The faculty member shall be responsible for stating the grounds on which he bases his allegations and the burden of proof will rest with the faculty member."

"The Special Hearing Committee shall be made up of five members chosen from a panel of ten (10) senior tenured faculty members elected annually by the Faculty Senate. Two of the members of the Hearing Committee shall be designated by the Faculty Senate, two shall be designated by the President, and the four together shall be convened by the President of the Faculty Senate. The four shall select the fifth member from the panel. The five will select the Chairperson of the Committee from among its members. The members of the panel shall not be advised of the source of their selection. Either party in the dispute can challenge for cause the fitness to serve of a member of the Hearing Committee. In hearings conducted by this committee, both the complaining faculty member and the university will have the right to be heard and to be represented by counsel. The complaining faculty member will have the right to confront and cross-examine witnesses who may appear against him. He shall have the right to testify, but may not be required to do so, and may introduce in his behalf all evidence, written or oral, which may be relevant or material to his defense.

Report of the Senate members of the ad hoc Committee on Tenure Procedures continued.....

A stenographic record of the proceedings will be taken and delivered to the President and a copy of this record shall be given to the complainant. The committee, by a majority of its total membership, will make written findings on the material facts and make specific recommendations to the President with regard to re-appointment. A copy of these findings and recommendations will be made available to the faculty member. The committee, by a majority of its total membership, may make any supplementary suggestions it deems proper concerning the disposal of the case. If minority findings, recommendations, or suggestions are made, they shall be written, specific and forwarded to the President and the complaining faculty member."

"The president will transmit the findings, suggestions, and recommendations of the committee, along with his recommendations to the Board of Regents. The Board of Regents, by a majority of its total membership, will approve, reject, or amend the findings, recommendations, and suggestions and pass finally upon the matters involved. Any reasons for amendment or change of such findings, recommendations, or suggestions will be stated in writing and communicated to the original Special Hearing Committee who will then study any additional matters presented to it and submit its recommendations through the President to the Board of Regents. If the Board of Regents then overrules the recommendation of the Special Hearing Committee, it will state in writing its reasons to the Hearing Committee for its actions in overruling the recommendations and will release the findings and recommendations of the Hearing Committee along with the Board's own statement."

"It was suggested that the opinion of Legal Counsel be sought on the notes produced by the committee to this point. It was also suggested that the opinion of the Legal Counsel be sought for the statement in Item 4 of notes of meeting number 2, with particular regard to whether that item is sufficiently covered in the material listed in the notes above.

- [4. There was somewhat lengthy discussion regarding the following sentence included in the Coordinating Board's Policy Paper No. 1. Inclusion or exclusion of this sentence in the procedures will be considered at the next meeting.

If the faculty member does establish by a preponderance of the evidence such a legally impermissible basis for the decision not to reappoint, the faculty member is entitled to reappointment unless the institution can meet the burden of proof of establishing the existence of other valid reasons for the decision not to reappoint.]

The meeting adjourned at 2:35 p.m. with a decision to ask that the next meeting be established as soon as practicable later in the summer."

Because of the sudden demise of this committee, with no assurance that there is for tenure deliberations during this academic year a clear interpretation of the Tenure Policy, the committee feels it very important to go on record and lay its proceedings before the Senate. The Senate may wish to determine whether the Senate members of the committee have discharged their obligations in good faith, and perhaps make recommendations as to how the current Tenure Policy should be interpreted.

Agenda item VIII.



Texas Tech University

Department of English

12 November 1981

Professor Ben Newcomb, President
Faculty Senate
G-3 Holden Hall
Texas Tech University

Dear Professor Newcomb:

On 27 February 1980, the Ex-Students Association gave \$1,500 to the Faculty Senate for a Faculty Development Fund, stipulating that the money be used "in promotion faculty enrichment." An additional \$2,000 was added to the fund 9 March 1981.

During its 28 October 1981 meeting, the Faculty Development Committee enthusiastically discussed and endorsed the new "Mini-Development Grants to Aid Instruction" program being instituted by John R. Darling, the Vice President for Academic Affairs. The Committee decided that the Faculty Senate's Faculty Development Fund could be put to excellent use, one which would please the Ex-Students Association and satisfy the senators, if it were earmarked for the 1982-83 "Mini-Development Grants" program.

I ask that a resolution be introduced in the Senate's December meeting to this effect. The passage of such a resolution would have the effect of affirming the Senate's support of the overall development program, of supporting what seems to be a promising new way to add additional dimensions to the individual creativity of faculty members, and of underlining the importance of constantly seeking ways to improve the quality of instruction.

I will be quite willing to attend the December meeting to respond to any questions the senators might wish to ask.

Sincerely yours,

A handwritten signature in cursive script that reads "David Leon Higdon".

David Leon Higdon
Chairman, Faculty Development Committee

dlh/1

Agenda item VI.

The Agenda Committee formulated the following questions, to be addressed to the Vice-President for Academic Affairs, to clarify the status of the tenure policy considerations:

1. What is the present status of the tenure policy revision?
2. What procedures have been followed to this point?
3. What has been the input utilized in the proposed revision from the Tenure Policy Review Committee, the ad hoc Committee on Tenure Procedures, and the Tenure and Privilege Committee?
4. Is the Academic Freedom Committee, recommended by the Senate, to be incorporated in the revised tenure policy? If not, what is the status of this recommendation of the Senate?
5. What will be the procedures followed from this point?

Agenda item VII.

ENERGY USAGE AND CONSERVATION COMMITTEE
(TTU)

CHARGE:

This committee shall advise the Office of the Vice President for Academic Affairs on matters concerning the usage and conservation of energy used in the academic program, including classroom, laboratory, office, library, research, service and storage facilities.

MEMBERSHIP:

Five faculty members, including two from the College of Engineering with expertise in matters related to energy use and conservation, and two student members.

APPOINTMENT:

Appointments will be made by the Vice President for Academic Affairs from nominations received through standard procedures. Terms for faculty members shall be for three-year staggered terms. Terms for student members shall be one year.

OPERATING PROCEDURES:

The committee shall develop its own operating procedures subject to approval by the Vice President for Academic Affairs. Copies of minutes or reports are to be provided to the Vice President for Academic Affairs, the Faculty Senate and the University Library.

CHAIRPERSON:

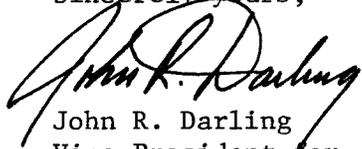
The chairperson shall be elected annually from the experienced members of the committee.

Dr. Benjamin H. Newcomb
November 24, 1981
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of the President. In his letter to Dr. Smith, President Cavazos stated that if specific instances arise where the opinion of the Faculty Senate would be useful in this matter, he would seek the advice of that body.

If you have any further questions regarding this matter, please feel free to contact me.

Sincerely yours,

A handwritten signature in cursive script that reads "John R. Darling". The signature is written in dark ink and is positioned above the typed name.

John R. Darling
Vice President for
Academic Affairs

JRD/lrs

xc: President Lauro F. Cavazos



Texas Tech University

Office of the Vice President for Academic Affairs

November 24, 1981

Dr. Benjamin H. Newcomb
President, Faculty Senate
Texas Tech University
Campus

Dear Dr. Newcomb:

At the recent Faculty Senate meeting I indicated general support for the development of procedures by the Senate to provide for faculty input regarding the evaluation of administrators. However, after further thought regarding this, I believe that it would not be appropriate for the Faculty Senate to be involved with this particular matter. This conclusion was reached following my review of the report of Special Study Committee C of the Faculty Senate dated February, 1981, and the subsequent response of President Cavazos to Dr. Smith.

The report notes that many of the colleges already have procedures that involve faculty in the evaluation of department chairpersons. The evaluation of chairpersons is a fundamental responsibility of the dean in each collegiate unit, and therefore I believe it would be inappropriate for the Faculty Senate to involve itself in this process. In most of the collegiate units chairpersons are already being evaluated every three years. The procedures regarding evaluation seem to have already been appropriately addressed within the various colleges.

The Office of Academic Affairs is responsible for the evaluation of deans on a regular basis each year and on a more formal basis every three years. I plan to be personally involved in this important dimension of administrative evaluation here at Texas Tech, and will consult with appropriate individuals in this evaluation process. If it is important for the Faculty Senate to be directly concerned with this, I will notify you accordingly.

The President is required by the Board of Regents to evaluate Vice Presidents on an annual basis. The President has developed an evaluation instrument that he considers to be suitable for this purpose. In my opinion, it would be inappropriate for the Faculty Senate to be directly involved in this evaluation process since it is a primary responsibility

Minutes - Committee C

In response to a letter circulated by Donald Rude, Chairman, Standing Committee C of the Faculty Senate met in the Senate Conference Room, Holden Hall, at 4:00 p.m., November 23, 1981. Present were: John Anderson, Rae Harris, and Donald Rude. Absent were committee members Lawrence Chonko, Joe Mogan, Virginia Sowell, and Paul Williams. Dan Benson, School of Law and Faculty Senator was present as a guest to offer legal advise and opinions.

Because a quorum was not present, the meeting was not called to order. An interesting and rewarding discussion was held regarding the problem of the Faculty Senate considering hiring legal council. The following are various points and feelings expressed:

There seems to be no doubt as to the legality of the Senate or any group asking a lawyer for advise.

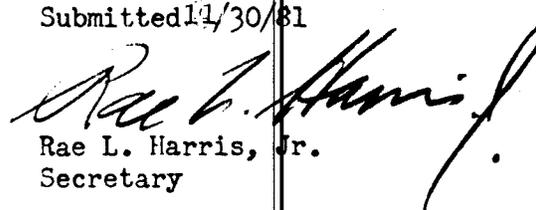
There is, however, a question regarding the legality of using Faculty Senate funds to pay such a lawyer. It appears on the surface that such use would not be proper, and that the only funds available would have to come from individual faculty on a voluntary basis.

As the guess to possible fee charges was \$50/hr. or part of, it was concluded that we would have a difficult time raising the money.

Overriding the above part of the discussion was the unanimous opinion that more direct meetings and cooperation between faculty and administration was our obvious goal, and that the presence of a lawyer, or even his advise, would create an unwanted adversary relationship.

The Faculty Senate presently has access to legal advise from Law School Senators, and others, therefore, the best solution is to use this source of information and hopefully thus avoid any need for formal council.

Submitted 11/30/81


Rae L. Harris, Jr.
Secretary