



Texas Tech University

The Faculty Senate

January 15, 1982

TO: Members of the Faculty Senate

FROM: Benjamin H. Newcomb, President

SUBJECT: Agenda for meeting #38, January 20, 1982

The Faculty Senate will meet on Wednesday, January 20, 1982, at 3:30 p.m. in the Senate Room of the University Center. The agenda is as follows:

- I. Consideration of the minutes of the December 9 meeting.
- II. Report of the Committee on Committees--recommendations for membership on the nominating committee for senate officers, 1982-83.
- III. Report of the Senate Study Committees--Budget Study Committee; Study Committee A.
- IV. Report of the Agenda Committee on recommended procedures to be followed for faculty consideration and adoption of a new tenure policy (see attachment).
- V. Motion to remove from table discussion with Vice-President Darling on tenure policy proposals (see attachment).
- VI. Resolution on Library photocopying services--Professor J. Brink (see attachment).
- VII. Other Business and Announcements.
 - A. Disposition of Senate Recommendations:
 1. By letter of December 17, 1981, President Cavazos has accepted the Senate's recommendation for the establishment of an Energy Use and Policy Committee.
 - B. Other Actions of University Officers and Committees:
 1. As directed by the Senate at the December 9 meeting, the Senate president made certain inquiries of President Cavazos regarding tenure procedures. The letters of inquiry and reply are attached for Senate information.

2. Announcement B 6 in the October 14 meeting agenda is found to be in error. Vice-President Jones appointed two faculty members to the Radiation and Laser Safety Committee who had not been nominated by the Senate, and appointed one faculty member to the Protection of Human Subjects Committee who had not been nominated by the Senate. He appointed one Senate nominee to each committee. The Senate president has discussed this with Vice-President Jones; the best procedure for the future appears to be that the Committee on Committees be asked to consult with the Vice-President for Research and Graduate Studies on possible nominees and criteria for nominees prior to making nominations.

C. Miscellaneous:

1. Study Committee B has been requested to study the faculty development policy with regard to the call for applications for mini-development grants, and the matter of chairpersons evaluating faculty development proposals (items, B, C, D, E in the faculty development rating form) as resolved by the Senate December 9. Professor Bacon will convene this committee.
2. The transfer of the \$3,500, given to the Senate by the Ex-Students' Association, to the Faculty Development programs has been effected.
3. The Senate office has attempted to inquire whether any other funds remain under Senate supervision (aside from budgeted operating funds). It has determined from the Academic Affairs office that the \$700 remaining from previous AMOCO teaching awards was, as the Senate recommended, disbursed for the purpose of aiding large class instruction. No other such funds are at present under Senate supervision.
4. The resignation of Professor Bartell, effective February 11, has been accepted. The nomination and election process for his replacement is underway.

Agenda Item IV.:

Procedures to be followed for faculty consideration of and adoption of the revised tenure policy:

- 1) After the results of open hearings and any further deliberations have been incorporated into the draft, the Academic Affairs office should submit the draft to the Senate, with indication as to whether the Tenure Policy Review Committee has approved the draft, or not.
- 2) The Senate shall refer the draft to the Tenure and Privilege Committee. It shall request the committee to determine whether the draft or the present policy best protects faculty rights. It shall request the committee to report one of the following courses of action for the faculty to take:
 - a. adopt the draft
 - b. retain the present policy
 - c. to adopt the draft with amendments which the Tenure and Privilege Committee then proposes and attaches to the draft.
- 3) When the Tenure and Privilege Committee reports, the Senate shall consider the report and may make amendments.

Procedures to be followed for faculty consideration of and adoption of the revised tenure policy continued.....

4) If the Senate finds that the draft, unamended or as amended by the Committee, should be adopted, it shall submit it, with any amendments it may make, to the Academic Affairs office. If the Academic Affairs office concurs with the Senate submission, the draft will be submitted to the faculty for discussion and vote at a general faculty meeting called by the Senate.

5) If the draft is adopted at a general faculty meeting it shall be submitted to the President for Board approval.

6) If the Academic Affairs office does not concur with the draft as submitted by the Senate, the Vice-President for Academic Affairs shall state his objections in detail to the Senate, and the Senate shall reconsider.

7) If the Senate finds, in concurrence with the Tenure and Privilege Committee or by its own determination, that it is preferable to retain the present tenure policy; it shall so inform the President and Vice-President for Academic Affairs.

Agenda Item V.:

Discussion of the status of the tenure policy proposals was tabled at the last meeting because of the absence of Vice-President Darling; subsequently the distribution of a draft tenure policy has superseded some of the questions then proposed.

The open hearings may answer, or pose, more questions; Senate members are encouraged to attend on January 19 at 3:00 and on January 20 at 1:30 in the Coronado Room.

The Agenda Committee believes the two following questions are as yet unanswered:

1) What has been the input utilized in the proposed revision from the Tenure Policy Review Committee, and the ad hoc Committee on Tenure Procedures, and the Tenure and Privilege Committee?

2) What is the status of the Senate recommendation for the establishment of an Academic Freedom Committee, since one is not incorporated in the revised tenure policy draft?

Members may wish to ask further questions--they should bring copies of the draft policy, the present tenure policy, and other relevant material with them.

Agenda Item VI.:

Resolution on Library Photocopy Services - Professor Jim Brink

Whereas photocopy services in the University Library are woefully inadequate for the needs of a major multipurpose university,
and,

Whereas the present quality of the photocopy is substandard, and,

Resolution on Library Photocopy Services continued.....

Whereas the present price per photocopy is exorbitant, and,

Whereas the photocopy machines are frequently out of order, and,

Whereas all these issues have been addressed by the University Library Committee for the past four years without any subsequent action by the Vice-President for Academic Affairs,

Therefore be it resolved that the University Faculty Senate requests that the Vice-President for Academic Affairs report on the current and future status of the agreement between Texas Tech University and the Ex-Students' Association (through their subsidiary, Tech Specialities) concerning photocopying service in the University Library.

Furthermore, the Senate requests that the Vice-President for Academic Affairs submit an explanation of why no action has been taken on the previous recommendations regarding this service forwarded to him by the University Library Committee.

December 15, 1981

Dr. Lauro F. Cavazos
President
Texas Tech University
Campus

Dear Dr. Cavazos:

The Faculty Senate has directed me to inquire of you whether the interpretation and procedural guidelines forwarded to you from the ad hoc Committee on Tenure Procedures will be applied to any possible case arising this academic year wherein a faculty member alleges denial of tenure on grounds violative of academic freedom. I enclose a copy of the report presented to the Senate by its members who were on the committee. At the meeting when the report was presented, Vice-President Ainsworth informed the Senate that the Committee determinations had been forwarded.

If it is your judgment that these procedural guidelines be followed pending adoption of a new tenure policy, I hope you can soon inform the Senate and Tenure and Privilege Committee of that.

If it is your judgment that these not be followed, I hope you will advise the Senate what procedure you believe should be followed.

I believe you are fully apprised of the interpretation of the Tenure Policy in this regard that the Senate resolved on last March and, still adheres to. The Senate is hopeful that the procedure you desire to be followed will be consonant with its interpretation.

If it appears desirable, in case of such allegation by a faculty member denied tenure, to ensure greater involvement of the Academic Affairs office in investigating and recommending a finding on such charges, then I believe a slight modification of previous practice might be acceptable. Thus I take the liberty of suggesting it as follows: On the receipt of an allegation of denial of tenure for reasons violative of academic freedom, the Vice-President for Academic Affairs may appoint an ad hoc committee of faculty members to investigate such charges. This committee shall report its findings and make appropriate recommendations to the Tenure and Privilege

Dr. Lauro F. Cavazos
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Committee. The Tenure and Privilege Committee shall carefully consider such findings and recommendations, may conduct further investigation and hearings, and shall determine whether probable cause is present that the allegations are correct. Then the procedure of the present tenure policy shall be followed.

It appears to me important that a determination on this matter be made soon, in case someone denied tenure this year alleges a violation of academic freedom. In my view the stipulation filed in U. S. District Court October 22, 1981, indicates that the University prefers on-campus solutions to such disputes that promise fairness to all parties. It also may indicate that an aggrieved faculty member in future, believing himself denied proper hearing procedures, would achieve the same result. He would in the course of pursuing his claim be able to rely on the same proofs, in regard to procedure, indeed perhaps the same counsel, as the previous aggrieved faculty member did.

In short, I think that expensive and embarrassing litigation, the result of which will not uphold an interpretation of the Tenure Policy contrary to that of the Senate, should be avoided.

Thank you for your kind attention to this matter.

Sincerely yours,

Benjamin H. Newcomb, President

Encl.



Texas Tech University
Texas Tech University Health Sciences Center

Office of the President



December 18, 1981

Dr. Benjamin Newcomb, President
Faculty Senate
Campus

Dear Dr. Newcomb:

This is in response to your December 15 letter regarding tenure matters and procedures.

It is my understanding that members of the ad hoc Committee on Tenure Procedures, to which you referred in your letter, did not finalize any recommendations and, thus, no "guidelines" could have been prepared by that committee. I noted the following statement in the "special" report from the Senate members of the committee, "No final formal report was prepared by the committee." The "special" report then states:

"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."

Guidelines or recommendations of an ad hoc committee cannot establish policy for the University. Tenure policy must ultimately be approved by the Board of Regents to have any official status. The current tenure policy is under review with faculty participation included. Thus, any recommendations of an ad hoc committee would be moot at this point.

Until the tenure policy is revised and those revisions are approved by the Board of Regents, I have no alternative but to follow the official University tenure policy, issued by the Board of Regents and published in the Faculty Handbook.

Thank you for your observations on this important subject. Your views will be considered as we continue to review our tenure policy.

Sincerely,

A handwritten signature in cursive script, reading "Lauro F. Cavazos".

Lauro F. Cavazos, Ph.D.
President

xc: Dr. John Darling
Dr. Marilyn Phelan