

REPORT OF THE FACULTY SENATE COMMITTEE OF THE WHOLE MEETING

September 23, 1982

The Faculty Senate Committee of the Whole met on September 23, 1982, in the University Center Theater to discuss the proposed tenure policy. Invited guests were members of the voting faculty of Texas Tech University.

The recommendations are as follows:

I. Section III

The recommendation to delete portions of the section was defeated by a vote of 36-34.

II. Section IV, C, paragraph 3.

The recommendation to change the probationary period for full professors was defeated by a vote of 52-4.

III. Section IV, F, third paragraph

The recommendation to divide the paragraph into three paragraphs was approved by a vote of 13-1

The paragraphs would then read:

"The Review Committee shall give preliminary and confidential consideration to the faculty member's allegations, and it shall have access to all information relevant to its consideration of the allegations for confidential use."

"If the committee concludes there is not reasonable cause to believe the allegations of the faculty member, it shall so advise the faculty member and the Academic Vice President."

"If the committee concludes that there is reasonable cause to believe the allegations of violation of academic freedom or constitutional rights, the committee shallprovide the allegations."

IV. Section IV, F, paragraph numbered 1

The recommendation to add on substantive/and or procedural issues was approved by a vote of 19-1.

The paragraph would then read:

1. To determine whether the basic decision of the appropriate faculty body was the result of adequate consideration in terms of the relevant standards and prescribed procedures of the institution, with the understanding that the Review Committee should not substitute its judgment on substantive and/or procedural issues for that of the faculty body.

V. Section IV, F, paragraph numbered 2.

The recommendation to add relevant standards and/or was approved by a vote of 13-6.

The paragraph would then read:

2. To recommend reconsideration when the committee believes that there has been significant noncompliance with relevant standards and/or prescribed procedures.

VI. Section VI, first paragraph

The recommendation to eliminate the first sentence and change the word "other" in the second sentence to all was approved by a vote of 11-0.

The paragraph would then read:

"In all cases arising under Sections IV and V, an equitable procedure afford-
ing protection to the rights of the individual and to the interests of the University will be followed. Whenever the faculty member admits that the case in point constitutes adequate cause, or does not choose to have a hearing, he or she may submit a written resignation."

VII. Section VI, third paragraph, first sentence

The recommendation to delete Academic Vice-President and add Tenure and Privilege Committee was approved by a vote of 13-0.

The paragraph would then read:

"In all cases of formal charges, the faculty member will be informed in writing of the charges which, on reasonable notice, will be heard by a special hearing committee made up of five members chosen by lot by the Tenure and Privilege Committee from a panel of twenty tenured faculty members, elected annually. (Two panel members of the twenty will be elected by the voting faculty of each college or school with the remaining members being elected at large.)"

RESOLUTIONS PROPOSED IN THE COMMITTEE OF THE WHOLE SEPTEMBER 23, 1982
OF THE FACULTY SENATE

Section III.

The recommendation to delete portions of Section III was defeated by a vote of 36-34.

The portions to be deleted would have included:

...except under extraordinary circumstances. Such appointment will be made only with the approval of the chairperson and two-thirds of the faculty holding professorial ranks (tenured and probationary) in the department, the dean, and the Vice President for Academic Affairs. Any such exceptional appointments will be reviewed annually at each administrative level....

Subsequent to the meeting Bill Conroy suggested that the people hired on "soft money" be given appropriate titles to differentiate them from full-time faculty. Some titles suggested for consideration are:

Research Scientist
Research Associate
Post Doctoral Research Associate

In a memorandum to the Senate Professor Conroy made the following points:

1. These titles would categorize such members as non-tenurable and therefore length of employment would be no problem.
2. These people could also teach even though their primary duties would be with their research projects.
3. A "temporary" faculty member is no longer "temporary" when employed beyond the maximum probationary period, and is entitled to tenure as much as any other full-time faculty member.
4. The phrase "extraordinary circumstances" should be replaced with more specific wording if it is not deleted as suggested.

The Texas Tech Chapter of AAUP also submitted the following recommendation:

The provision for continuation of non tenure-track faculty beyond the seventh year of full time service without tenure under "extraordinary circumstances" contradicts the 1940 AAUP Statement of Principles.

The AAUP Executive Committee recommends the deletion of the portions "except under extraordinary circumstances" and the two sentences that follow this phrase.

Professor Arthur Elliott submitted the following statement:

Since tenure and non-tenure positions are clearly defined, I suggest that faculty in lecturer, instructor, research scientist, and visiting rank positions be permitted to work at Texas Tech as long as such employment is of mutual benefit to both parties. Since there are no tenure-track positions for people in research or special service positions, certain people are valuable to maintain continuity in programs and to help achieve long-term research goals. Moreover, instructors such as those in English feel that they should have a chance to compete for their former jobs, knowing full well that they will not get tenure. Their alternative is to work for less money in high school, private business, or be unemployed because their spouse may have a good job in Lubbock.

Section IV.

Section IV, C. 3. Probationary period for admission to tenure.

A recommendation to change the probationary period for full professors from a four-year probationary period to a two year probationary period was defeated by a vote of 52-4.

In Section IV, F. the fourth sentence of the second paragraph that reads "The Review Committee shall consist of three faculty members chosen by lot by the Academic Vice President" would be replaced by "The Review Committee shall consist of three faculty members chosen by lot by the Tenure and Privilege Committee from the elected panel cited in Section VI of this policy, except that there will be no more than two members from the same college." The vote was 19-6 for the amendment.

Section IV, E., first paragraph.

Subsequent to the meeting the Senate received suggestions from Professor William Stewart to add to the last sentence of the last paragraph the following;

"such as errors in procedures, errors or probable errors in evaluations; an on-going appeal; etc."

Section IV, F., third paragraph.

The AAUP recommendation suggested dividing the third paragraph into three paragraphs which would read:

"The Review Committee shall give preliminary and confidential consideration to the faculty member's allegations, and it shall have access to all information relevant to its consideration of the allegations for confidential use.

"If the committee concludes there is not reasonable cause to believe the allegations of the faculty member, it shall so advise the faculty member and the Academic Vice President."

"If the committee concludes that there is reasonable cause to believe the allegations of violation of academic freedom or constitutional rights, the committee shallprovide the allegations."

The recommendation was approved by a vote of 13-1.

Secton IV, F., Paragraph numbered 1.

The AAUP recommended that this paragraph be changed to read:

1. To determine whether the basic decision of the appropriate faculty body was the result of adequate consideration in terms of the relevant standards and prescribed procedures of the institution, with the understanding that the Review Committee should not substitute its judgment on substantive and/or procedural issues for that of the faculty body.

The recommendation was approved 19-1.

Section IV, F., paragraph #2

Professor Rude recommended the following phrase be added to this paragraph so it would read:

2. To recommend reconsideration when the committee believes that there has been significant noncompliance with relevant standards and/or prescribed procedures.

The recommendation passed by a vote of 13-6.

Section IV, F., paragraph #3

Subsequent to the meeting the Senate received the suggestion from Professor William Stewart that the paragraph be changed to read as follows:

"To provide copies of its report and recommendations to the Faculty members; to the Academic Vice President; and to the University Tenure and Privilege Committee. The Academic Vice President shall the recommendations of the committee and take action in accordance with them or engage in further consultations to reach agreement as to appropriate action."

Section VI., first paragraph

Professor Newcomb recommended that the first sentence be eliminated and the word "other" in the second sentence be changed to "all" so that the paragraph would read as follows:

"In all cases arising under Sections IV and V, an equitable procedure affording protection to the rights of the individual and to the interests of the University will be followed. Whenever the faculty member admits that the case in point constitutes adequate cause, or does not choose to have a hearing, he or she may submit a written resignation."

The vote to recommend this change was 11-0.

Section VI, third paragraph, first sentence.

Professor Elliott recommended that the sentence be changed to read:

"In all cases of formal charges, the faculty member will be informed in writing of the charges which, on reasonable notice, will be heard by a special hearing committee made up of five members chosen by lot by the Tenure and Privilege Committee from a panel of twenty tenured faculty members elected annually. (Two panel members of the twenty will be elected by the voting faculty of each college or school with the remaining members being elected at large.)

The vote to approve this change was 13-0.

OTHER RECOMMENDATIONS

Other recommendations submitted in writing but not voted upon before the meeting was closed are enclosed for consideration by the Senate.

Section IV, C. 3, could be revised as follows:

3. Professor. Before the end of a three year probationary period, an untenured professor must be notified in writing either that tenure has been awarded or that the appointment will not be renewed at the end of the fourth year.

Section IV, F. second sentence in second paragraph could be revised as follows:

The Academic Vice President (or representative) and Chairman of the Tenure and Privilege Committee (or other member designated by the committee) shall counsel together with the faculty member.

Section IV, F. second paragraph, sixth sentence could be revised to read:

Any member of the Review Committee can be challenged by the faculty member or by the administration.

Section VI, first sentence of first paragraph, could be revised to read:

Cases arising from bona fide financial exigency or the reduction or phasing out of institutional programs (noted in Section V) are to be handled under approved procedures.

Section VI. Termination Procedure The AAUP makes the following suggestion:

Termination for medical reasons will be based upon clear and convincing medical evidence that the individual cannot continue to perform the duties required of a faculty member in the University. The decision to terminate will be reached only after there has been appropriate consultation, including solicitation of qualified medical advice, and after the faculty member concerned, or someone representing the faculty member, has been informed of the basis of the proposed termination and has been afforded an opportunity to respond to the evidence. If the faculty member so requests, an appeal of the decision to terminate may be made following the procedures stated above.

Section X, second sentence of paragraph, could be revised to read:

Faculty members in a probationary status at the time of this approval will have the opportunity to choose the tenure policy under which they wish to be considered for tenure--the policy in existence when they were appointed or the newly approved policy.

This communication was received after the agenda was typed.

September 29, 1982

Dr. Virginia Sowell, President
Faculty Senate
164 Administration
Texas Tech University
Lubbock, TX 79409

Dear Dr. Sowell:

Following the Faculty meeting regarding tenure policy at Texas Tech University and due to the fact that the meeting was finally closed, I am enclosing some additional comments to pass onto the Faculty Senate. In item IV.F.1. the Review Committee function is stated "To determine whether the basic decision of the appropriate faculty body was the result of adequate consideration in terms of the relevant standards and prescribed procedures of the institution, with the understanding that the Review Committee should not substitute its judgement for that of the faculty body" (italics mine). This is an anomalous or incongruous statement since any time that the Review Committee is in disagreement with the faculty body, it is substituting its judgement for that of the faculty body. It is in essence saying, for whatever the reason, that the faculty body did not do its job properly. This is true particularly since there is the consideration of "relevant standards" and not just "prescribed Procedures". The present statement essentially forces the Review Committee to agree with the faculty body. What is meant by the part of the sentence in italics above, needs to be more clearly defined.

I still believe that in item IV.F.3 it is too easy for the Academic Vice President to prevent due process and a review, if a review is the recommendation of the Review Committee and he disagrees with the recommendation, by just doing nothing.

In Sec. IV.F. paragraph two and then again in VI paragraph 3 (Top of page 6 of draft proposal) the choosing by lot by the Academic Vice President was changed to this being done by the Tenure and Privilege Committee. To make the document consistent with these voted changes, Sec VI paragraph 4 (2nd paragraph of page 6 of draft proposal) in the last sentence, it should read chosen by lot by the Tenure and Privilege Committee, instead of by the Academic Vice President.

I agree with the A.B.C. subsections of Sec VI, Termination Procedure, recommended by Gary Elbow and handed out at the meeting. Regarding the added paragraph C, No one should be declared medically incompetent by an individual or group of individuals that does not have the competence to make that judgement (Note Sec V, a ground for termination is "mental or physical disablement affecting to a material and substantial degree the performance of duties" etc.). Only medical doctors have that competence in a court of law, no matter what laymen may think.

In Sec. VIII, University Tenure and Privilege Committee, paragraph 3 (2nd paragraph of page 8 of draft proposal), I assume that there are only five voting members, that the ex-officio members cannot vote. If this is not so it should be so stated.

In Sect. IV F paragraph 2, second sentence, I agree with the addition of "together" - The Academic Vice President (or representative) and Chairperson of the Tenure and Privilege Committee (or other member designated by the committee) shall counsel together with the faculty member. I also agree in the next to the last sentence, with the suggested change of the first word from "A" to "Any".

I also approve the change in Sec X from "hired" to "appointed".

One final comment. There must be monitoring by the Faculty Senate at each step along the way to the final publishing of the document to make sure that no parts, (words, phrases, sentences, paragraphs, etc.) are changed or left out of the document voted on by the faculty, whether the omission is inadvertent or by design. All material should be in the body of the text. There should be no footnotes, the omission or exclusion of which can make it possible for the administration to abrogate the existing, voted for and accepted policy on Tenure and Privilege.

Sincerely,

Arthur M. Elliot

Arthur M. Elliot
Associate Professor
Biological Sciences