

Minutes, Faculty Senate Meeting #61  
September 12, 1984

The Faculty Senate met on Wednesday, September 12, 1984, at 3:30 p.m. in the Lubbock Room of the University Center with Evelyn Davis, President, presiding. Senators present were Adamcik, Anderson, Ayoub, Blair, Burnett, Coulter, Cravens, Curry, K. Davis, Dixon, Dvoracek, Ford, Gettel, Gipson, Goss, Gott, Havens, Higdon, Keho, Khan, Lee, McKown, Mayer-Oakes, Mehta, Newcomb, Oberhalman, Owens, Richardson, Rude, Sasser, Sparkman, Steele, Stockton, Strauss, Sullivan, Teske, Thornhill, Twyman, Vallabhan, Welton, Whitsitt, Williams, Wilson and Wright. Senators Eissinger, Shine and Wicker were absent because of University business. Senators Bloomer and Freeman was also absent.

Jack Collins, Professor, History, served as Parliamentarian in the absence of Vernon McGuire.

Guests included John R. Darling, Vice President for Academic Affairs and Research; Professors Roland Smith and Neal Pearson, Political Science; Jimmy Davis, Assistant Professor, Architecture; Preston Lewis, University News and Publications; Laura Tetreault, University Daily; Richard L. Peterson, Briscoe Professor, Business Administration; Pat Graves, The Avalanche Journal; and Jim Glasscock, and Jim Green, Channel 11.

SUMMARY OF BUSINESS CONDUCTED

At its September 12, 1984 meeting the Faculty Senate:

1. officers, new members of the Senate and guests were recognized,
2. minutes of the May 9, 1984 meeting and minutes of the May 11, 1984 special meeting were approved,
3. heard a report from the Committee on Committees and approved that committee's slate of nominees for membership on various committees,
4. heard a summary of a letter from Dr. Cavazos responding to various study committee reports on the "24 issues",
5. approved dates for Faculty Senate meetings during the 1984-85 academic year,
6. heard a report of the summer activities regarding the tenure policy development,
7. passed a motion to request that action on the proposed tenure policy be delayed until such time as all interested parties can, working together, draft a tenure document that is equally acceptable to all concerned,
8. passed a motion calling a general faculty meeting on Wednesday, September 19, 1984,
9. moved that the Senate urge President Cavazos to withdraw the draft tenure policy from the adoption procedure for reconsideration by faculty and administration jointly,
10. passed a motion to refer to an appropriate Senate study committee for study the "loyalty oath" which is a part of the Employee's Affidavit.

Senate President, Evelyn Davis, called the meeting to order at 3:35 p.m. and recognized new senators and guests.

I. CONSIDERATION OF THE MINUTES OF THE MAY 9, 1984 MEETING AND THE MAY 11, 1984 SPECIAL MEETING

Senator Wilson moved to accept the minutes of the May 9, 1984 meeting and the May 11, 1984 special meeting as distributed. The motion passed.

II. REPORT FROM THE COMMITTEE ON COMMITTEES

Senator Welton, Chairperson, Committee on Committees referred to the committee's report circulated with the agenda of the meeting and moved its acceptance. The motion passed.

III. WRITTEN RESPONSES TO FACULTY SENATE REPORTS ON "24" ISSUES

President Davis summarized President Cavazo's letter responding to committee reports on the "24 issues" and indicated that copies of the responses from the office of Academic Affairs and Research would be sent to members of the respective committees shortly.

Dr. Darling reported that Dr. Cavazos has indicated that he would like to meet with the President of the Senate and the chairs of these various committees.

IV. DATES FOR FUTURE MEETINGS OF THE FACULTY SENATE

The dates for the future Faculty Senate meetings for the 1984-85 academic year were noted. Meetings will be held the second Wednesday of each month, as usual, with two exceptions. In January 1985 the meeting will be on the 16th and in March on the 6th.

V. REPORT OF THE SUMMER ACTIVITIES REGARDING THE TENURE POLICY DEVELOPMENT

Dr. Richard L. Peterson, Briscoe Professor, Business Administration, reported on the summer activities regarding tenure policy development. The nine member committee represented each college and school (two from Arts & Sciences because of its size) and the Faculty Senate President. Some members were elected and some were appointed by their deans. Committee members are: Richard L. "Chip" Peterson, Evelyn Davis, Henry Wright, Judy Fischer, David Welton, Margaret Wilson, Roland Smith, Marion Hagler and Jim Hissinger. The committee was charged with listing objectives and issues of concern. Questionnaires were circulated for faculty input, and from information obtained the committee concluded that academic freedom and due process were most important. Term contracts and quotas are objectionable. Term contracts limit academic freedom with no due process procedures and delay "up or out" decisions. Faculty is in favor of term reviews, but not as they appear in the document. Extended probationary periods were also recommended by the committee and that time spent in other universities should be counted. Peterson noted that one of the problems the committee found with the draft tenure policy is the tone of the policy -- administrative power. The "due process" clause has been dropped as well as "in consultation with faculty." However, the phrase "but should not be limited to" was retained. The committee believes that too much discretion is left to administrators. The 5-year review, as it is written up, is objectionable. It changes the contract of faculty who already have tenure and projects the image of a 5-year renewable contract, adding that this section probably would not stand up in a court of law. It is believed that this tenure document should say something about awarding tenure on merit, rather than to be (see next page)

Report of the summer activities regarding the tenure policy development continued.....

concerned with quotas. The Dean's Faculty Advisory Committee voted 8 to 1 against accepting the September 5, 1984 draft of the tenure policy. After questions and discussion in which Newcomb, Twyman, Strauss, Ford and Peterson participated, Welton made the following motion: "The Faculty Senate recognizes that the Board of Regents and other interested parties have substantially improved the tenure proposal distributed in the Spring, particularly in the elimination of term contracts and the retention of tenure track positions. However, the document still gives inadequate guarantees of due process to faculty, retains the potential for exercise of excessive administrative power, and has other problems that require further clarification lest they impinge on the academic freedom of faculty and ultimately damage the quality and reputation of the University. It is recommended that action on the proposed policy be delayed until such time as all interested parties can, working together, draft a tenure document that is equally acceptable to all concerned."

Newcomb immediately moved to amend Welton's motion to read as follows: "The Faculty Senate recognizes that the Board of Regents and other interested parties desire an improved tenure proposal. However, the September 5 document still gives inadequate guarantees of due process to faculty, retains the potential for exercise of excessive administrative power, and has other problems that require further clarification lest they impinge on the academic freedom of faculty and ultimately damage the quality and reputation of the University. It is recommended that action on the proposed policy be delayed until such time as all interested parties can, working together, draft a tenure document that is equally acceptable to all concerned." Newcomb spoke for his proposed amendment and after discussing it briefly, the Senate passed the amendment unanimously. Welton's motion, as amended, passed.

Sasser then made the following motion: "It is moved that the Senate call a general faculty meeting, Wednesday, September 19, 3:30 p.m. and that this call for a general faculty meeting will also include a written vote on the proposed tenure policy, the ballot either to be returned to the Senate Office, or to be collected at the called meeting of the faculty."

Newcomb and Ford spoke in favor of Sasser's motion. The motion passed unanimously.

Newcomb then moved "That the Faculty Senate urge President Cavazos to withdraw the draft tenure policy from the adoption procedure for reconsideration by faculty and administration jointly, and further that the Senate recommend to the President tenure regulations that will protect faculty rights." Newcomb, Mayer-Oakes and Ford participated in a brief discussion. Ford mentioned that discussion over our tenure policy has already done much damage to TTU. Newcomb's motion passed.

Dr. Darling was asked to confirm the statement that no one on the Faculty Advisory Committee was to release the information that came from the questionnaires or faculty survey. He said that this was an advisory committee to the deans and that he could ask the deans if they would be willing to release the information to the faculty.

#### VI. NEW BUSINESS

Loyalty Oath - Dr. David Leon Higdon, Senator from Arts & Sciences, said that in August a number of faculty received a memo from Dr. Len Ainsworth, Associate Vice President for Academic Affairs, requesting them to complete and file new copies of the Employee's Affidavit. Ainsworth's memo indicated that "the state auditor in a recent audit of the University records for your Employee's Affidavit was not available."

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Loyalty Oath continued.....

Higdon said that probably no one would object to signing items two through six on the affidavit concerning a state constitution requirement, nepotism, citizenship, use of State-owned automobiles, and a statement indicating receipt of a copy of Article 8 of the State Purchasing and General Services Act. Higdon said that he personally severely objects to signing the first item which reads as follows:

1. OATH OF OFFICE

"I, \_\_\_\_\_, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of \_\_\_\_\_ of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State; and I furthermore solemnly swear (or affirm), that I have not directly nor indirectly paid, offered, or promised to pay, contributed, nor promised to contribute any money, or valuable thing, or promised any public office or employment, as a reward to secure my appointment or the confirmation thereof. So help me God."

Higdon said a number of faculty members he has spoken with are in agreement with him. Because such loyalty oaths have repeatedly been struck down in courts during the past 15 years, Higdon thinks the faculty should ask 3 questions. 1) are such oaths still legal and required in the state of Texas, 2) is the signing of the oath a necessary condition to employment, and 3) is not this an unconstitutional infringement on one's freedom of religion, requiring as it does a subscription to a belief in God in the first place and moreover to a particular sectarian belief, that of Christianity. Higdon then moved "that the questions of the legality and the constitutionality of Item 1 (Oath of Office) in the Employees Affidavit be referred to an appropriate Faculty Senate Study Committee for study and response. He concluded by saying that he would hope that the response would eventually include a statement from our Attorney General.

Dr. Darling said that in response to Dr. Higdon's note to his dean in August, and in his dean's note to the academic vice president's office, he called attention to this issue to the personnel office. The administration is looking into the matter at this time, seeking legal counsel and etc. Even so, he feels that it is appropriate for the Senate to take action on this and reaffirm this to the Office of Academic Affairs and Research. Higdon's motion passed with no dissenting votes.

President Davis stated that it is in order that she send this to the Faculty Status & Welfare Committee for their study and response.

Twyman moved to adjourn at 4:45 p.m.

Henry A. Wright  
Henry A. Wright, Secretary