

Texas Tech University
Minutes -- # 206 Faculty Senate
April 12, 2000

The Faculty Senate met on Wednesday, April 12, 2000 in the Senate Room in the University Center with President Nancy Reed presiding. Senators present were Lawver, Thorvilson, Giaccardo, Borst, Drager, Dunham, Hartwell, Held, Lewis, Lodhi, Meek, Newcomb, A. Perez, G. Perez, Reeves, Rylander, Schaller, Stein, Stompler, Tuman, Weinberg, Boal, Hein, Laverie, Hartmeister, Murray, Thomas, Burkett, Lakhani, Zhang, Crawford, Khan, Spallholz, Cochran, Van Cleave, Boylan, Cardenas-Garcia, Carr, Cooper, Couch, Farley, McVay, Pigott, and Trost.

Senators excused from the meeting were: Becker, Thompson and Norville.

Senators unexcused were: Elam, Shin, Iber, and Walker.

- I. **Call to Order** was announced by President Nancy Reed at 3:21 p.m.
- II. **Recognition of Guests:** Provost John Burns, Vice Provost Jim Brink, Assistant Provost Liz Hall, Senior Associate Vice President for Research Robert Sweazy, Executive Director for the Texas Faculty Association Charles Zucker, and various representatives from Texas Tech University Health Sciences Center and the media.
- III. **Approval of Minutes** for meeting # 205, March 8, 2000, were unanimously approved as amended. Senator Cochran asked that unartfully worded language concerning "statute wrongs" on page two be reworded to reflect "statutory or legislative changes." He also requested that the minutes be corrected to read that it was neither his nor Study Committee B's conclusion that the Texas Attorney General's 1993 opinion regarding the confidentiality of external letters in the tenure and promotion process would be retroactive. Senator G. Perez asked that the minutes reflect that he, and not Senator J. Perez, requested candidates for election to Senate offices each make a brief statement about their candidacy.
- IV. **Presentation:** by Dr. Charles Zucker, Executive Director of the Texas Faculty Association). Dr. Zucker began his remarks with background about himself, the Texas Faculty Association (TFA), and the Association's relationship with the American Association of University Professors. Focusing on posttenure review as the first of his two discussion topics, Dr. Zucker outlined the legislative history of and eventual enactment of Texas Senate Bill 149 (1997). He depicted the original bill as flawed due to the relative absence of due process protections and vague performance standards. He credited TFA's efforts in the eventual adoption of more precise performance criteria and the inclusion of administrators in the posttenure review process. Dr. Zucker presented the results of open records requests summarizing initial compliance efforts in the University of Texas and Texas A&M systems. He speculated that posttenure review is not likely to become a contentious issue since resignations and retirements will occur in many instances.

Dr. Zucker's second topic involved graduate faculty status. He emphasized the

importance of university administrators following procedures to insure fairness. He also characterized the prominent role played by general counsel at some institutions as "destroying the university to win the case."

Prior to opening the floor for questions and answers, Dr. Zucker concluded his remarks with a short description of recent legislative efforts to ensure the opportunity of non-tenured faculty to grieve an employing institution's refusal to award a subsequent annual contract.

Senators raised numerous questions covering a variety of issues. Senator Carr asked about the origination of posttenure review. Senator Drager questioned how "deadwood" is being defined, and whether there are any national studies focusing on posttenure review.

Senator Giaccardo asked Dr. Zucker to address TFA's efforts regarding minority faculty and administrators. Shirley Goldsmith, a colleague of Dr. Zucker's, mentioned Texas legislative efforts during the last four years to address problems with retaining and graduating minority students. In light of the significant improvements in funding post-secondary public institutions, she speculated that faculty, and particularly part-time faculty, may someday be haunted with failures to handle this situation. Senator Spallholz suggested that the minority retention problem is connected with grade inflation. Senator Newcomb also commented on the remediation issue. Senator Boal raised the issue of whether institutional operating procedures governing due process have the force and effect of law. Dr. Zucker responded by noting a recent case at U.T.--Brownsville involving a fired faculty member who suffered "tremendous procedural violations;" nonetheless, a federal judge in Austin ruled in favor of the institution and did not sanction the administrators. Dr. Zucker also commented that it is not unlawful for administrators to be "unfair, horrible or nasty" to a faculty member; problems only arise if the faculty member is a whistleblower or premises a claim on civil rights or constitutional violations.

V. **Committee Reports:**

Faculty Status & Welfare: Chair J. Perez reported on the status of the student evaluation form. On behalf of the committee, he proposed that approval of the form as a whole begin with the section consisting of the ten questions on the evaluation form being considered one-at-a-time for approval. Following lengthy discussion about an appropriate process for approving the form, Senator Held raised a point of order and Parliamentarian McGee reaffirmed the appropriateness of a segmented approval process. Senator Couch then moved that further discussion of the student evaluation form be tabled indefinitely. Senator Hein seconded the motion. With a simple majority hand vote of 23-14 favoring the Couch motion, the issue was tabled indefinitely.

Chair J. Perez also provided a brief committee report on faculty ownership of lectures and commercial note taking. The committee recommended that the University explain its commercial note taking policy to all faculty, especially for classes taught over the web. No other action was taken.

Study Committee A: Chair Stompler moved that the Senate approve the rewording of Texas Tech University's Equal Employment Opportunity policy statement to include

domestic partners. Following a voice vote with one negative vote and no abstentions, the Senate resolved that the anti-discrimination EEO language be reworded to add "sexual orientation" to O.P. 10.11 and O.P. 40.01. The Senate's resolution will be forwarded to President Haragan.

Academic Programs: Chair Lakhani gave a report on the committee's preliminary study of grade inflation. Senators engaged in a lively discussion touching on the impact of plus/minus grading, higher admissions standards, the connection with course/instructor evaluations, alternative measures for assessing instruction and learning, and the TTU administration's interest in supporting substantive research into the issue as a whole. Because of the lateness in the current academic year and the complexity of the issue, President Reed stated that the grade inflation issue will be referred for further study by next year's Senate.

Senator Drager presented a brief review of the graduate faculty appeals process. He moved that language be added to the appeals procedure to clarify the possibility of using outside evaluators. Senator Boal seconded the motion, a quorum was ascertained, and a voice vote of those present favored suspension of Senate rules. The Senate then voted unanimously to recommend changing section 4(b) of the graduate faculty appeals process to read as follows (in part): "Appeals, like the original nomination or application, should normally be supported by eligible peers, the chair of the department/area, and/or the dean of the college. Normally, the appeal should be based upon new evidence not presented with the original application. "New evidence" is not construed narrowly to mean only additional publications, but to include interpretation by a chairperson, dean, Peer Representative, or outside evaluator(s) of the significance of an applicant's contributions and research agenda, or any other significant evidence." [emphasis for added language]

- VI. New Business:** Senator Giaccardo made an announcement encouraging Senators and other faculty to participate in the ongoing child care assessment survey.

Senator Couch moved that the Senate congratulate Lady Raider Basketball Coach Marsha Sharp and her team for their recent success. By informal voice vote, the Senate voted unanimously in support of the Couch motion.

On behalf of the Committee on Committees, Senator Boal urged Senators and others to submit nominations for numerous university committee vacancies.

Senator Trost inquired about the "tabled" status of the student evaluation form. President Reed stated that there will be action taken by next year's Senate to address the issue at that time. In conjunction with this issue, Senator Drager urged that further information be gathered and that the proposed form be pilot tested. Senator Held suggested getting the Teaching Academy involved.

- VII. Old Business:** On behalf of Study Committee B, Senator Cochran provided a status report on the proposed intellectual property rights O.P. 74.04. Senator Cochran is coordinating Study Committee B's efforts with faculty at the TTU Health Sciences Center

to ensure that mutual concerns are addressed and appropriate input provided to Texas Tech University System administrators. A more formal report will be provided at the next scheduled Senate meeting in May.

VIII. Announcements: President Reed provided a brief update on the Presidential Search Committee's efforts to recommend possible replacements for TTU President Donald Haragan. President Reed voiced concern about the likelihood of campus visits for position finalists taking place during the summer.

IX. Adjournment: Since there was no other business, President Reed declared the 206th meeting of the Faculty Senate adjourned at 5:12 p.m.

Respectfully submitted
Fred Hartmeister
Secretary-elect, Faculty Senate