

**Texas Tech University
Faculty Senate Meeting
Minutes #219
November 14, 2001**

The Faculty Senate met on Wednesday, November 14, 2001 in the Senate Room in the University Center with President Giaccardo presiding. Senators present were Elam, Buelinckx, Byerly, Dolter, Harter, Howe, James, Kuriyama, Lee, Lucas, Marks, Meek, Reed, Reeves, Roberts, Schaller, Stinespring, Weinberg, Dukes, Hein, Thomas, Lakhani, Mann, Norville, Blum, Russ, Shriver, Phelan, Quinn, Cooper, Curry, Hoo, Marbley, Steinhart and Willis-Aarnio. Excused Senators were Kvashny, Iber, Lewis, Williams, Johnson, Murray, Marshall, Bradley and Carr. Unexcused Senators were Blanton, Donahue, Reeder, Zhang and Hsiang. Guest were Lewis Held.

I. Call to Order was announced by President Marc Giaccardo at 3:18 p.m.

II. Recognition of Guests: Provost John Burns; Vice Provost Jim Brink; Assistant Provost Liz Hall and Parliamentarian Gary Elbow.

III. The minutes for the October 10, 2001 meeting number #218 were approved with the following corrections. First, Scott Hein should not be an unexcused absence, he should be excused. Secondly, the SAT scores reported by the president were typed incorrectly, they should be 1,112 and 1,095 respectively. There were some additional typing errors including the misspelling of Max Hinojosa's name and some other senators' last names.

IV. Invited Guests

Max Hinojosa, Vice President of Operations was scheduled to speak, but did not attend. Russell Crosby who was also scheduled to speak could not attend but he would like to be invited to the December meeting.

President Giaccardo made two announcements regarding a non-discrimination policy and a gender task force. Both topics were discussed in great detail during New Business.

V. Old Business

The Budget Study Committee chaired by Uzi Mann presented their final findings of the post tenure review process. Lewis Held presented the revisions to the findings they presented in October, which were distributed along with the agenda proceedings.

In O.P. 32.31 the words "no more than three" were changed to "four" and the committee suggested that a new passage be inserted into the operating procedure. The Faculty Senate agreed to split the two passages and vote on them separately. The question was called to vote on Passage 1. All were in favor of Passage 1, subsequent to the provision that the provost's office is working on an appendix to O.P. 32.31. The appendix will indicate precisely (1) what the outside reviewers will be asked to evaluate and (2) what they will be asked to provide in writing. The Senate hereby requests that it be shown the draft of this appendix before the appendix is officially approved for the O.P. manual.

Passage 1, which is to be inserted into O.P. 32.31, Section 3 after the words "responsible for the evaluation" reads: If the faculty member and the administrator cannot agree on four outside reviewers, then two will be chosen by the faculty member and two by the administrator. All four written reviews will be forwarded to the dean, the provost, and the president.

Then the Senate addressed Passage 2. Senator Steinhart asked if the Tenure Committee has to pick a Texas Tech University faculty member for the Appeals Committee and he was informed that they do not. He felt that this might cause problems if the Appeals Committee does not have guidelines to follow regarding whom they may select. Senator Lucas liked that this passage gives more freedom to the committee regarding whom they select. Senator Harter agreed that the advantage to leaving it unspecified was that the committee could select anyone they wanted. Senator Steinhart then withdrew his comment.

Senator Dolter then called the question for Passage 2. All were in favor of Passage 2 which is to be inserted into O.P. 32.32, Section 5a after the words “requested by the faculty member involved” and reads: If the faculty member and administrator cannot agree on a development plan in 30 days, then the departmental Comprehensive Performance Evaluation Peer Review Committee will devise a development plan in consultation with both parties. If the plan is deemed inappropriate by either party, then the issue will be decided by a 3-person Appeals Committee formed as follows. One member will be chosen by the faculty member, one member by the administrator, and the third member by the university Tenure Advisory Committee. The Appeals Committee will render a final decision after consulting with the faculty member, administrator, and Peer Review Committee.

Senator Mann stated that when the Budget Committee met with President Schmidly they discussed the grievance O.P. and they wanted to add that if the president did not agree, he could send a letter. The president stated that Tech’s legal department was looking into this. Lewis Held said that he talked to the president and asked him about this letter. President Giaccardo asked Lewis Held to summarize his comments. Lewis Held did so. Senator Dukes observed that the grievance hearing committee portion of the O.P. was deleted and now this addition is basically the same thing. Senator Howe asked that this topic be moved from the Senate floor and have the officers follow up on it. Senator Dukes stated that Passage 1 passed unanimously. Senator Steinhart asked why we had to wait a couple of months for a response. Senator Howe stated that due diligence would take care of it more quickly.

President Giaccardo then re-introduced the topic of a Non-discrimination Policy. He stated that this process had been going on for at least 3 years, and that this policy currently appears in 3 or 4 operating procedures and is a part of the Board of Regents Rules. A senate committee re-wrote the policy by adding sexuality to it. This went to administration with Assistant Provost Hall and they agreed that sexuality was a major issue because of cases in the Colorado Supreme Court. The terminology was replaced in order to stay close to the letter of the law. This included who and what the policy would include. This policy is looked at separately from the university’s affirmative action statement. President Giaccardo wanted to have the Senate recommend that this statement be sent back to administration. He wanted to make a small correction to the last section changing the word “person” to “persons.”

Senator Stinespring asked who was not covered by this policy? Assistant Provost Hall stated that what is forbidden by the state is using state resources to pay benefits to life partners, so theoretically we could pay benefits, but we would have to use none state money which we do not have. Assistant Provost Hall said that she was comfortable with the language. President Giaccardo then reiterated that the Senate Committee did not find any problems with the policy either.

Senator Reeves stated that domestic partners do not qualify for benefits. The rationale for the policy is truth in advertising when we are trying to recruit new faculty, we want to tell them that

we are limited in what benefits we can offer due to state law. Senator Steinhart asked why veterans of the Vietnam Era are singled out in the policy? President Giaccardo was not sure either, but he has seen it in a number of operation procedures. Senator Howe mentioned that Texas law states that we also cannot discriminate positively in favor of a group. Favorable consideration in employment decisions is still discrimination.

Senator Thomas felt that the language of the policy is legal and sensitive and he questioned how we could make a decision on how it should be worded. President Giaccardo stated that the Senate would recommend the policy to the administration so that it may become legally binding. Senator Thomas reiterated that we are already bound by state law regarding which benefits we can offer, so why do we need this policy?

Senator Stinespring agreed with the current law. However, does the Senate want to go on record saying that we morally support the positions stated in the policy? President Giaccardo urged that after 3 years the Senate can finally be involved in including “sexual orientation” into the policy and then we can move on. Senator Marx felt that the policy helped affirm the truth that we cannot offer benefits to certain people. Senator Howe felt that this policy was a long and cumbersome statement to be included in a hiring advertisement and thought that perhaps it could be rewritten.

President Giaccardo asked if anyone would like to rewrite the policy, and after much deliberation and discussion, Senator Lucas made a motion to vote on the policy. Senator Reeves reminded us that the Senate had already passed two resolutions in the past that addressed this very topic. Senator Howe moved to include “sexual orientation” in the policy. Senator Thomas seconded the motion. Senator Marx made an amendment to the motion to approve the policy as rewritten. The friendly amendment was seconded and discussion on that ensued.

The question was called and the motion was accepted with the rewrite suggested. Therefore, the proposed Non-discrimination Policy reads: It is the policy of the Texas Tech University System not to discriminate on the basis of a person’s race, color, religion, gender, sexual orientation, national origin, age, disability, Vietnam Era or disabled veteran status in its recruiting, hiring, training, promotion or termination practices. Texas and Federal Law prohibits the extension of benefits to persons who do not otherwise qualify for spousal or dependent benefits.

There was no other old business

VI. New Business

President Giaccardo introduced the topic of a Gender Task Force made up of faculty across campus to help with issues in order to make Texas Tech open to all. He asked if the Senate would like to endorse the creation of such a task force? The floor was then opened for discussion on the topic.

Senator Harter asked who the task force would look at and President Giaccardo informed her that it could look at anyone. Senator Shriver felt that the task force was not well defined and wanted to know if they would create their own mission statement. President Giaccardo repeated that the task force would have two charges: (1) to address issues related to education of gender issues on campus and (2) provide ways to make Texas Tech University open to all.

Senator Reed felt that this was a strange request since Manual Escomia is already employed to look at these types of issues. President Giaccardo asked if we, the faculty, wanted our own task force of faculty to also look into these issues. Senator Lucas asked if this task force would work

together with other administrative and student task forces and President Giaccardo mentioned that that could be part of the charge for the task force. Senator James asked why this is just a gender task force, why can't it be for everyone? Senator Reeves reminded us of the decrease in female faculty members mentioned at the last meeting, which justifies looking at this specific area. Senator James felt that we needed a global committee not just one for gender. Senator Steinhart reminded us that racial and ethnic issues are already addressed, but not gender. Senator James disagreed because the strategic plan already calls for gender issues. Senator Steinhart stated that the ledger system already addresses ethnic diversity.

At this time President Giaccardo asked to terminate the discussion on the Gender Task Force. Senator Hein made a motion to terminate the discussion. The motion was passed. President Giaccardo made a motion to accept the recommendation. Senator Reeves seconded the motion. Senator Reed and Senator Harter still felt that the gender equity issue needed to be addressed. President Giaccardo asked for an amendment to the motion and Senator Harter added that gender equity be added to the recommendation. Senator Reed seconded this motion. The floor was opened for a new discussion; there were no comments; and the Senate agreed to the friendly amendment.

The Faculty Senate passed a recommendation that a task force be created whose purpose is to address issues related to education of gender issues, address gender equity issues on campus, and provide ways to make Texas Tech University a more diverse university open to all. The task force is to be made up of faculty from across campus who can contribute to the mission.

There was no other new business.

VI. Announcements:

President Giaccardo announced the University Financial Planning Committee, which is chaired by Dr. Gilbert, is looking for a member of the Faculty Senate to sit on the committee. President Giaccardo asked that any volunteers should get in touch with him later.

Senator Meek asked about Faculty Senate representation for the new College of Visual and Performing Arts and how that would effect elections in the spring. Provost Burns said that the college will be in place on September 1, 2002 assuming approval by the coordinating board. Parliamentarian Gary Elbow stated that membership in the Faculty Senate is based on the number of faculty in the college at a 1 Senator for every 20 faculty member ratio.

There were no other announcements.

VII. Adjournment at 4:46 pm.

Respectfully submitted
Shane C. Blum
Secretary, Faculty Senate