



Texas Tech University

The Faculty Senate

October 3, 1980

TO: Members of the Faculty Senate
FROM: Roland E. Smith, President
SUBJECT: Agenda for meeting #26, October 8, 1980

The Faculty Senate will meet on Wednesday, October 8, 1980 at 3:30 p.m. in the Senate Room of the University Center. The agenda is as follows:

- I. Minutes of the September 10, 1980 meeting
- II. Annual Report of the Faculty Senate, 1979-1980
- III. Report of the Tenure and Privilege Committee - Stewart
- IV. Resolution regarding certain university committees - Agenda Committee
- V. Recommended change in Senate Bylaws - Stewart
- VI. Proposed revision of the Tenure Policy - Schoen
- VII. Report on developments concerning the Athletic Council - Smith
- VIII. Report on Austin meeting - Smith
- IX. Other Business
- X. Announcements

A. Selected items from minutes of Academic Council Meetings

September 9, 1980

1. A discussion draft regarding clarification of appointment designations was distributed and discussed. Dr. Cavazos indicated his concern that all appointees be treated fairly and that appointments and contracts clearly designate the condition of agreements. There was general discussion of the types and nature of temporary appointments which might be made for instructional positions.
2. Dr. Hardwick discussed peer evaluation for tenure and promotion purposes. He noted the need for careful and fair appraisal with documentation to be useful in the review process. He also noted the importance of the chair-person's annual evaluation and that annual evaluation's relationship to consideration for tenure and promotion.

Announcements continued.....

3. Council members were asked to obtain the appropriate forms for outside employment from any faculty who are engaged in, or who plan to be engaged in consulting or other outside employment as defined by board policy during the coming academic year.
4. There was brief discussion of the Academic Information System and its use for the coming year. It was noted that the Information System would again be used to look at a variety of factors including teaching workloads, class size, schedule, and cost effectiveness, as well as research and productivity measures. As soon as the information can be developed for this semester deans will be asked to work with their chairpersons and other representatives to review and determine better allocations of resources within the collegiate units.
5. Dr. Ramsey mentioned the Governor's Office request for reduction of state employees and the need for balancing faculty assignments and workloads as changes are considered in response to the Governor's program.
6. A proposal for a leadership development program was announced. The Institution has made a proposal to the Governor's office for funds to assist in leadership development activities on campus for the next three years.
7. Dr. Jones discussed the possibility of some salary improvement funds to be available from indirect cost return and investment interests increases during the year. He noted that a distribution system is needed and indicated that a primary concern was for improved support of highly productive faculty, particularly in the research area since this represents a part of the source of funds.
8. Dr. Hardwick briefly described a communication from the Commissioner of Higher Education regarding classifications of institutions within the state. He indicated that the President had objected strongly to any system which would be detrimental to Texas Tech's position as a major multi-purpose university within the state.

B. Correspondence

The following correspondence has been sent from the Senate Office since that which was reported at the last Senate meeting.

1. A second letter to Louise Luchsinger, Clarence Bell, Martin Gundersen, David Finn, and Michael White, regarding their absence from the Senate.
2. Dan Benson, accepting his resignation from the Special Hearing Panel for the Tenure and Privilege Committee.

Correspondence continued

3. Murl A. Larkin confirming his appointment as a member of the Faculty Senate standing committee, Faculty Status and Welfare.
4. Paul Hanna, informing him of his election by the Faculty Senate to serve on the Special Hearing Panel for the Tenure and Privilege Committee.
5. Stephen B. Thomas, accepting his resignation from the ad hoc Committee on Institutional Resource Data Base.
6. Michael C. Stoune, accepting his resignation from the Faculty Senate.
7. Charles Hardwick, regarding Senate confirmed nominations to fill vacancies on the Library Committee and on the Admissions and Registration Committee.
8. J. Knox Jones, regarding appointments to the Academic Publications Committee.
9. Lauro F. Cavazos, President, forwarding the resolution concerning the Athletic Council which the Senate approved at its September meeting.
10. William A. Stewart, Chairperson, Tenure & Privilege Committee, requesting a report to the Senate from that committee on the status of its recommendations to the President of the University concerning temporary faculty positions, etc.
11. Charles Hardwick, forwarding the resolution regarding large lecture halls.
12. Margaret Wilson, to serve as convenor of the Faculty Senate standing committee, Budget Study Committee, and charging that committee with the investigation of the financial situation of the library.
13. Ernest W. Sullivan, Department of English, confirming his appointment as Parliamentarian of the Faculty Senate for the remainder of the 1980-81 academic year.
14. William A. Stewart, Chairperson, Tenure & Privilege Committee, regarding the Senate's election of Murl Larkin, School of Law, to the Special Hearing Panel of the Tenure & Privilege Committee.
15. Charles Hardwick, regarding appointments to fill vacancies on the Library Committee.
16. J. William Davis, thanking him for his attendance at the September Faculty Senate meeting and for his work as member of the ad hoc Committee to Investigate Compliance of Texas Tech University with Southwest Athletic Conference Rules.

Agenda item VI.

Present text of TTU
Tenure Policy, Part IV,
Section 8

8. If a faculty member on probationary appointment alleges that a decision not to reappoint him is caused by considerations violative of academic freedom, his allegations shall be given preliminary consideration by a faculty committee. If the committee concludes that there is probable cause for the faculty member's allegation, the matter shall be heard in accordance with the procedures outlined in Section VI, except that the faculty member shall be responsible for stating the grounds on which he bases his allegations and the burden of proof will rest upon him.

PROPOSED REVISION OF TTU TENURE POLICY, PART IV, SECTION 8

1 8. If a probationary faculty member believes that a decision to
2 deny reappointment

3 (a) was made for reasons violating academic freedom;

4 (b) was made without adequate consideration of professional
5 performance;

6 (c) was made after noncompliance with prescribed procedures;

7 (d) was based upon factors lacking a substantial relationship to
8 professional fitness or performance; or

9 (e) was based upon a criterion not listed among the prescribed
10 evaluative criteria for reappointment or admission to tenure, the faculty
11 member may present these allegations, which shall include the specific
12 grounds supporting them, in writing to the chairperson of the University
13 Standing Committee on Tenure and Privilege. The elected members of the
14 Committee shall give preliminary consideration to the faculty member's
15 complaint. If the Committee concludes that there is probable cause for
16 the complaint, the matter shall be heard in accordance with the procedures
17 outlined in Section VI, except that the faculty member shall be responsible
18 for stating the grounds upon which the allegations are based and shall
19 bear the burden of proof.

20 In no case shall the Committee find probable cause if nonreappointment
21 was for reasons of bona fide financial exigency or in consequence of a
22 duly considered and authorized deletion of an academic program or part
23 thereof.

[See next page for Comments on the Proposed Revision]

Agenda item VI.

Comments

The University Tenure and Privilege Committee (hereinafter "the Committee") is established by the Board of Regents in the TTU Tenure Policy. The Committee has two important functions: (1) to make recommendations pertaining to the tenure policy, and (2) to decide if there is "probable cause" that a complaining probationary faculty member has been denied reappointment for reasons violating academic freedom.

The proposed revision relates to the Committee's "probable cause" function. Under the present text of the TTU Tenure Policy, Part IV, Section 8, a finding by the Committee of probable cause that a violation of academic freedom has occurred activates a Special Hearing Committee to hear the faculty member's complaint in an adversary proceeding wherein the faculty member is the petitioner and the University administration is the respondent. The findings and recommendations, if any, of the Special Hearing Committee are presented to the Board of Regents for action. (TTU Tenure Policy, Part VI, 1976-77 Faculty Handbook, pp. 47-48.)

The proposed revision substantially increases the specific grounds upon which the Committee might find probable cause that a violation has occurred. Authority to find probable cause should not be confused with the exercise of that authority. The Committee is neutral. It is neither advocate nor adversary of the faculty member or the University administration.

Expansion of the probable cause grounds beyond "academic freedom" is required by the persistent problems encountered in defining the precise meaning and scope of "academic freedom" and the need to provide specific additional safeguards for probationary faculty members who are denied tenure or reappointment. These proposed supplementary proscriptions--some procedural, some substantive--are consistent with the proper goals and administration of the tenure policy and consistent as well with a fair personnel policy.

Tenure should not be awarded to faculty members whose qualifications and professional performance are deficient. Awarding tenure to unqualified persons is contrary to the best interests of the faculty and the University and thereby endangers the tenure system itself. This proposed revision does not guarantee tenure or reappointment for unqualified persons. The revision merely requires that decisions to award or deny tenure, to reappoint or terminate, be made in accordance with prescribed procedures, be made after consideration of relevant factors, and be made for legitimate reasons.

The proposed revision also includes less significant changes to the present text of Part IV, Section 8. In accordance with past practice and custom, the revision specifically identifies the "faculty committee" as the University Standing Committee on Tenure and Privilege. The revision, again reflecting past practice and custom, states that the "probable cause" complaint shall be considered by the elected members of the Committee. Although the President and Vice President for Academic Affairs are ex officio members of the Committee, these officers in past years have not participated in the probable cause proceedings of the Committee.

The final paragraph of the proposed revision makes explicit what has always been implicit.

Agenda item IV

RESOLUTION REGARDING NOMINEES TO
CERTAIN UNIVERSITY COMMITTEES

WHEREAS the "Directory of Standing Councils and Committees 1980-81" specifies that four committees (Biosafety Committee, Protection of Human Subjects Committee, Radiation and Laser Safety Committee, and Warm-Blooded Animal Committee) are "special committees," and "not standing committees of the University"; and

WHEREAS Article V, Section 4 of the Constitution of the Faculty Senate of Texas Tech University (approved and adopted by the Faculty Council, University President, and the Board of Regents) states:

"The President of the University may establish and define composition of ad hoc or standing committees or councils of Texas Tech University, Texas Tech University School of Medicine, and the Museum of Texas Tech University, or joint committees or councils of the above, and may determine if members are to be elected or appointed. Texas Tech University faculty members appointed to these standing (but not ad hoc) committees or councils shall be selected from a list of nominees for each committee or council provided by the Faculty Senate. The President of the University may specify the number of nominations to be supplied by the Faculty Senate for each such committee or council position.

The position of the chairperson of the Athletic Council of the University shall not be open to nomination by the Faculty Senate."

BE IT RESOLVED that the Faculty Senate reminds the administration that the responsibility for nomination to the four committees (named above) resides with the Faculty Senate and has been violated in the following manner: by calling them "special" committees, and stating that they "are not standing committees of the University," when, in fact, they are; and by publishing them in the directory "as a matter of information."

We request that the committees be restored to their former status.

Agenda item V.

INTRODUCTION

Proposal to amend the bylaws:

In accordance with Section 10 of the bylaws, this proposition is attached to the agenda for action at the October 8 meeting. A two-thirds affirmative vote will make it effective immediately and permit de facto vacancies to be filled during the same elections which are to be held for those which have been vacated by resignation.

RECOMMENDATION

Amend Section 8 by adding paragraph 5, as follows: An anticipated absence of more than five consecutive months shall be cause to declare a seat vacant when such an anticipation is supported by knowledge of the conditions which may be reasonably expected to cause the absence.

Bill Stewart
10/3/80