

MINUTES OF THE FACULTY COUNCIL MEETING

Time: December 5, 1973, at 3:00 P.M. in the Rare Books Room

Members Present: Darrel E. Bigham, Chairman of Faculty Council; Professors Barnes, Eichman, Frost, Kinzie, Kirsch, H. Sands

Ex-officio Present: President Rice, Dean Bennett

Others Present: Professors Hahn, Kent, Pasko, W. Sands, Willett; Mrs. Elliott

The Chairman called the meeting to order at 3:10 P.M.

1. The minutes from the meetings of November 14 and November 28 were accepted as amended.
2. Approval of Curricular Committee Action on Credit-by-Examination for Communications 352.

The Chairman recalled that action on a petition for an examination for credit in communications 352 had been tabled pending revision of the petition. He distributed copies of the revision that Professor Awe had subsequently prepared.

Professor Frost asked whether the Curricular Committee had approved the revision. Professor Kirsch responded that the committee had approved the examination originally and that the revision did not change what had been approved in substance, though details had been changed. Professor Frost maintained that the performance portion of the test should contain a specification of standard by which performance would be judged.

The Chairman noted that Professor Awe had revised the test several times. Professor Frost wondered if the problem with devising non-standardized tests for credit did not stem from the lack of guidelines for preparing such tests. She asserted that it was important to have as much detail as possible on file with a test so that future faculty members attempting to use it would be able to interpret it as it was intended. President Rice suggested that Professor Awe could meet with Dean Bennett and the Chairman to work out any improvements that are deemed necessary for this particular test.

After a successful motion to take the action from the table, Professor Frost moved, seconded by Kirsch:

Motion: That the revised petition for credit by examination in Communications 352 be approved with the stipulation that Professor Awe meet with Dean Bennett and Professor Denner, Chairman of the Curricular Committee, to set up measurable performance objectives for the test.

The motion carried.

3. Approval of By-laws to the Faculty Constitution creating the Grievance Committee and the Dismissal Hearing Committee.

Action on this item was deferred until after the discussion of item 4.

4. Final vote on Proposed Revision of Faculty Handbook Statement on Academic Freedom and Tenure.

The Chairman recalled that President Rice had indicated at the end of the discussion of the revision at the last meeting that he had some suggestions to make regarding some of the wording. The Chairman reported that he, President Rice, and Professor Eichman had met on December 3 to discuss the President's suggestions. Subsequent to that meeting the Chairman had prepared a list of suggested changes that could be made to the amended draft version he had distributed the previous week.

Professor Kirsch moved, seconded by Kinzie:

Motion: That the amended draft version of the document Faculty Appointment and Tenure: Basic Policies and Procedures be accepted.

The Chairman called for discussion on the present wording. Professor Frost asked what was meant by the wording "reputable educational institutions" in section 2(a). She wondered whether it meant more to be a successful teacher or to come from a certain type school. The Chairman asserted that it was difficult to define reputation.

Professor Frost asked whether the sentence in section 2(a), "upon appointment to the rank of Professor, the faculty member shall serve a probationary period of one year," referred to all movements to professor rank, including promotions. The Chairman responded that this provision was for initial appointments at that rank and that he thought the present wording was adequate.

The Chairman distributed copies of a two page document entitled "Proposed Alterations of Discussion Draft" which contained further suggested changes to the amended version. He explained that some of the changes that had been discussed at the Monday meeting were included. He noted that the suggestions would also require some changes in the proposed amendments to the By-laws of the Constitution.

The Chairman noted that he had called for the deletion of two portions of section 2(a). The deletion of the sentence, "The probationary period may be extended one year in cases of doubt concerning professional qualifications," was proposed because of question of whether this sentence applied only to those appointed at the Professor rank or to all appointments. An application to all appointments made in effect an eight-year probationary period.

President Rice stated that he thought it was important to retain this provision so that time could be allowed for notification in the case that tenure was denied. The Chairman asserted that deletion of this provision would require notification of denial of tenure at the end of the sixth year to keep in line with the provisions of timely notification. President Rice noted that six years would not be allowed with persons with prior experience and

that with those appointed at the Professor rank a decision would have to be made by March 1 at the first year of appointment. Professor Eichman stated that he could appreciate the concern for the need for extension with those appointed at the Professor rank, and perhaps with those transferring credit for prior experience, but that with other appointments the period of seven years seemed long enough. He asserted that even with the possibility of transferring in three years of prior experience three years for evaluation would be allowed, and that perhaps this provision would require more careful evaluation of initial appointments. President Rice responded that if the provision for the extension of the probationary period was eliminated, he would request reconsideration of the provisions for notification. He asserted that a procedure that would give tenure by default was undesirable, and that the possibility to say no must be maintained, which possibility required time for notification.

Professor Pasko asked whether the provision for extension of the probationary period could not be better worded so as to foreclose the prejudicial inference that could be drawn from the phrase "doubt concerning professional qualifications." After further discussion it was decided that the following wording would be appropriate, "The probationary period may be extended for not more than one year in cases where there is need for further evaluation."

The Chairman noted that the other suggested change in section 2(a) called for deletion of the sentence that had been added which allowed for the possibility of early provision of tenure. Professor Kirsch and others had suggested that this sentence added to confusion.

The Chairman stated that alteration 3 called for clarification of a portion of the wording of section 2(f) and had resulted from the Monday meeting with President Rice. Professor Barnes asked for a clarification of the wording "relevant standards" in section 2(f), to which Professor Eichman responded that he took the provision to mean that various areas, disciplines, or divisions in the University would have different requirements of degrees necessary for appointment and promotion.

The Chairman noted that the fourth alteration looked like a cumbersome major change but actually was intended to clarify provisions of section 3 on page FC-3 of the amended version, which section calls for application to appeals from non-reappointment certain of the provisions similar to those provided for in dismissal procedures. The present wording referred to section 6, Dismissal Procedures, and could lead to a confusion of the processes, which are fundamentally different because of the position of the burden of proof. The changes called for in alteration 4 would amount to extracting those steps in the dismissal procedures and adapting them as outlined for inclusion in Section 3. Section 6 would remain intact.

The Chairman described alterations 5, 6, and 7 as wording changes which would help avoid confusion. He noted that certain changes in the proposed By-laws were necessary because of the other changes and described the major one in the name and function of the Hearing Committee.

Dean Bennett asked whether the provision, "members deeming themselves disqualified for bias, prejudice, or interest shall remove themselves from the case, either at the request of a party or on their own initiative," was

strong enough to ensure a fair hearing. He wondered whether a person could be required to step down if he did not feel he should. Professor Kinzie asserted that there should be provision for unlimited challenge for cause. The Chairman suggested dropping the wording "deem himself" and substituting "may step down at the request of the party." Professor Eichman asserted that there was a fundamental problem of who had authority over the committee. He stated that he thought the committee had the power to decide its actions and that further avenues for appeal existed if the committee erred in judgment. Dean Bennett asserted that a safeguard was needed so that a person making an appeal would not be able to claim the hearing was biased. President Rice maintained that members of the committee should be given the chance to disqualify themselves before the process of challenge. He thought it was important to establish a committee which could form an objective point of review.

Professor Kinzie requested that the By-laws establishing the committees specified in the revision be acted on before the revision. Discussion followed as to the propriety of considering the committees before the revision.

No conclusion was reached.

Action on Items 5, 6, and 7 was deferred.

8. Adjournment.

The meeting adjourned at 4:53 P.M. to meet next on Wednesday, December 12, 1973, at 3:00 P.M. in the Rare Books Room.



Thomas Eichman, Secretary

TE/sg

Approved 12/12/73