

INDIANA STATE UNIVERSITY EVANSCVILLE

8600 University Boulevard
EVANSCVILLE, INDIANA 47712

INTER-DEPARTMENTAL MEMORANDUM

TO: All Faculty Members

DATE: January 29, 1980

FROM: Richard R. Mussard, Chairman, Faculty Council

SUBJECT: Agenda of Faculty Council Meeting, Friday, February 1, 1980 at
3:00 P.M. in L-100

AGENDA #11

1. Approval of the minutes of December 14, 1979, and January 18, 1980.
2. Reports:
 - i. President Rice
 - ii. Vice President Reid
 - iii. Professors Dunn and Jorgensen
 - iv. Faculty Council Chairman
3. Request of Professor Gehring
4. Discussion of merits of requesting that there be a designated time of minimal class scheduling.
5. Discussion of the merits of calling for a review of aspects of the ISUE General Education Program.
6. Response to the President's memorandum concerning the 1978-79 Council's recommendation concerning withdrawal from class.
7. Announcements and Questions.
8. Old or New Business.

RRM/bac

SESSION #11
MINUTES OF THE 1979-80
FACULTY COUNCIL MEETINGS

Time: February 1, 1980; 3:00 P.M., L-100

Members Present: Richard R. Mussard, Chairman; Professors Bennett, Edwards, Gehring, Kinzie (for Jane Davis), Robinson, Shaw, Waitman

Ex-Officio Present: President Rice, Vice President Reid

Others Present: Professor Dunn, Dr. Jones, Professor Jorgensen, Dr. Settle

1. Dr. Rice commented on the December 14, 1979, Council Meeting's minutes' recording of Professor Mussard's remarks calling for careful following of correct procedure in allowing any recommendation about a change in the "IN" grade policy to originate in the Faculty and Academic Affairs Committee, and proceed through the Faculty Council before being approved and implemented by the administration. Dr. Rice suggested that some committee recommendations should flow directly to the appropriate administrative office, rather than through the Faculty Council.

Responding to Dr. Rice's suggestion and to Professor Mussard's inquiry, Professor Andy Jorgensen stated that the Faculty and Academic Affairs Committee did not actually approve any formal resolution about the "IN" grade, and thus communicated to the Faculty Council not a recommendation, but merely some points mentioned in its discussion.

Professor Kinzie moved that the minutes of the December 14, 1979, meeting be approved; Professor Robinson seconded; motion carried.

A lengthy discussion then ensued over the motion on off-campus instruction passed by the Council at its January 18, 1980, meeting. Dr. Rice questioned the propriety of Professor Mussard's distributing to all faculty members his January 29, 1980, memorandum to Dr. Reid stating and explaining the Council's resolution on off-campus instruction. Dr. Rice said that the faculty might misconstrue the meaning and force of the Council resolution, perhaps assuming that it stipulated university policy instead of realizing that it represented a Council recommendation to the administration. Professor Mussard pointed out that the memorandum's subject heading and explanatory body clearly indicated that the statement about off-campus instruction constituted a Council resolution simply recommending, not stipulating university policy.

Dr. Rice then said that he considered the scheduling of classes to be a matter of implementation, not policy, and thus the responsibility of divisional chairmen. Dr. Rice added that he therefore judged as untenable the Council's position that divisional chairmen secure the consent of a discipline's faculty before scheduling an off-campus class. Dr. Rice also asserted that proper faculty involvement with class scheduling should consist of establishing guidelines and standards, and that the divisional chairmen and Dr. Jones should be free to operate within these guidelines and standards.

Professor Waitman replied that the Council considered the staffing and environment of off-campus classes to be so crucially important, that it viewed their selection as clearly serious matters of policy. Professor Edwards agreed that the Council should be recommending university policy, but said that he understood this Council resolution to be merely an expression of its view, not a recommendation about university policy. Professor Mussard answered that the Council resolution was both an expression of its view and a recommendation for change in university policy.

Dr. Settle observed that as a divisional chairman he would probably never go against a unanimous recommendation by a discipline's faculty, but that he believed it remained his responsibility to make the final decision in such a matter. Professor Waitman then noted that Dr. Settle and other administrators seemed to be arguing from the basis of current university policy as stated in the Faculty Handbook, while the Council's position was based on rationality and reasonableness. He offered the hypothetical example that in case of a disagreement between Dr. Blevins, Humanities Division Chairman, and a unanimous recommendation by the communications faculty, how could it be reasonably argued that Dr. Blevins knew more and could judge better than the whole communications faculty about how to staff and where to locate an off-campus communications course.

Dr. Reid stated that the issue is apparently more complex than it seems, as the 4-3 votes on the two defeated amendments to the resolution would suggest. Professor Robinson said that the Council voted for the spirit of the resolution, and not necessarily its exact wording. Professor Waitman pointed out, however, that in fact on the original motion itself the Council voted 7-1 to approve its spirit and its wording.

Finally, Professor Kinzie moved that the minutes of the January 18, 1980, meeting be approved as amended; Professor Shaw seconded; motion carried.

2. President Rice's Report:

Dr. Rice suggested that the Economic Benefits Committee examine the mandatory retirement issue, and consider these recommendations about it:

- (1) retain the normal retirement age of 65 with full benefits, and set mandatory retirement at age 70;
- (2) one member of the Economic Benefits Committee take the responsibility for investigating retirement benefits;
- (3) allow faculty members to work past age 65, on an annual basis, depending on the faculty member's physical condition, as determined by a yearly physical exam;
- (4) increase benefits by 9%-10% per year for every year past the age of 65 that the faculty member works.

President Rice then yielded the floor to Dr. Reid for a special report:

Dr. Reid commented on the ECPD Evaluation Team visit on Monday through Wednesday. The team spent a great deal of time with the students and faculty in Engineering Technology. They also visited other divisions while on campus. Dr. Reid stated that the team was very positive about: the campus in general; the quality of the faculty in Engineering Technology and the supporting faculty from other divisions; the enthusiasm and dedication of the student body; the facilities; the opportunity for growth in Engineering Technology; and the excellent relations the university

has with the community. The visiting team was concerned about: the computer situation; the promotion guidelines in the handbook -- the required degree should be a Masters Degree with combined experience; and General Education requirements which severely limit Engineering Technology's need to provide options for students.

Several of the team members were impressed with our Technical Writing course, and with the course sequences in Science and Math in support of the Engineering Technology curriculum, and they complimented the institution on the overall quality of supportive instruction.

Dr. Rice then continued his report on the following items:

- (a) HYPER Building -- the floor is drying; we will probably be using the new building for commencement exercises;
- (b) Legislative notes -- The House Ways and Means Committee has approved a 2% increase; the Democrats are seeking a 5% increase or inflation bill;
- (c) The Department of Commerce publishes a magazine entitled "Indiana - A Place To Be"; pictures of area campuses were in the latest issue of this publication -- ISUE, Taylor, Purdue, and IU;
- (d) In a previous Council meeting the status of the Eichman case was raised. I can now report that the case is settled and the following is a review of the proceedings:
 - (1). The non-reappointment decision was made in 1974 following established university procedures;
 - (2) Faculty governance grievance and formal hearing proceedings were conducted in 1975, and, in some eleven plus hours of hearings, a series of allegations including the charge of violation of academic freedom were heard; the record of peer faculty judgments was that the evidence did not present a *prima facie* case with regard to violation of academic freedom, or other allegations;
 - (3) The Federal District Court ruled in similar fashion;
 - (4) The Circuit Court of Appeals remanded the case back to the Federal District Court on the basis of a law change made on January 9, 1979, which was retroactively applied to pending cases;
 - (5) The Courts and/or Professor Eichmann had heretofore dismissed with prejudice all actions except the remanded and pending free speech claim which is dismissed in the settlement agreement.

Professor Edwards asked about the source of money for the settlement; President Rice responded that the University carries liability insurance similar to home owner's insurance (with deductible features to reduce premiums) to cover such claims.

- (e) the seating capacity of the gymnasium in the new HYPER Building -- the fold-out bleachers will hold approximately 3,000 fans; with added or temporary seating the new facility will accomodate about the same number of fans as Central Arena;
- (f) Dr. Rice had received a letter from the referee from the ISUE-Indiana Central basketball game complimenting the sportsman-like attitude of our players.

3. Professors Dunn and Jorgensen had attended the meeting to comment on the computer. Professor Jorgensen reported that since the powerful new computer had been installed on the Terre Haute campus in August, 1979, either it, or ISUE's

connection with it, had broken down 10-15 times a day. He said that ISUE had intended to use the computer through the fall semester, but three weeks into the spring term we still didn't have a reliable computer. He noted that ISUE has six public terminals for 150 students, and that ISU-Terre Haute has 42 terminals.

In response to a question from President Rice, Professor Jorgensen stated that in addition to the expected installation of four new terminals, ISUE really needs 10 more terminals and a high speed printer.

4. Faculty Council Chairman's Report:

The Board of Trustee's Meeting

A. The General Welfare of the University Meeting

1. President Landini said that we are probably going to get some compensation from the Legislature in the form of supplementary salary increases, but how much is uncertain. At present a bill seeking 2% is being considered, but a retroactive increase is unlikely.
2. A resolution of the Terre Haute Senate regarding Faculty Travel Reimbursement was discussed. (See the attached sheet for details.) The ensuing dialogue was interesting, for it covered these points:
 - a. Whether a resolution on this matter was a matter where the faculty had primary authority or only advisory authority;
 - b. The nature of the President's responsibility to transmit to the Board of Trustees differences that exist between the President and the faculty when this occurs in the area of the faculty's primary responsibility;
 - c. In the present case the matter was placed on the agenda in response to Professor Bakerman's individual request and the Board's by-laws which permit this avenue of bringing matters to the Board. This issue was tabled in the Regular Meeting. However, several Board members expressed their recognition of the importance of faculty travel and research. President Landini announced that he had previously increased their travel budget for this year by 10% and would increase it by another 10% next year, in response to the Faculty Senate's resolution. The main objection which President Landini had to the resolution was that no ceiling was imposed on how much could be spent. Several Board members had reservations on the same point.
3. President Landini announced that efforts were still being made to eventually get a Phi Beta Kappa Honorary Society on campus. The main barriers to receiving the kind of "accreditation" required is that Home Economics is part of the Liberal Arts and Sciences College, and that Terre Haute does not have a foreign language requirement for all students.

B. The Regular University Meeting

1. President Landini raised the issue of mandatory retirement. He posed the question of whether it should be moved forward to 1980 now, even though the law will not require the change until 1983. He noted that the Faculty Senate had recommended that it be implemented now. President Landini said that he wants a fuller consideration of

retirement options to be made as well.

2. In the open question period I raised some informational questions regarding the Eichmann settlement and also commented about some concerns I have which are raised by the suit. I'll report these questions, comments, and the resulting discussion here:

Questions:

From what budget will the payment come?
How much money will come out of that budget?
What effect will it have on faculty salaries?

Comments:

1. It seems to me that the jury's (at the Board Meeting I said "court's", but was corrected by a Board member) deciding in favor of Professor Eichmann's claim that his freedom of speech was violated constitutes very strong evidence for concluding that his right of free speech was indeed violated. To think otherwise would seem not to face the evidence.
2. The violation of the right of free speech is always a serious matter in a democracy and it is doubly serious when it occurs on a university campus. For high quality academic life and university governance is impossible without free speech. Further, when one person's right of free speech is violated, the whole atmosphere and spirit of a school suffers. In my judgment the atmosphere and the spirit of the Evansville Campus has suffered because of this. Exactly how much is hard to say. But it is, I think, clear that we lost a good scholar and teacher as a result and that many faculty members have been demoralized and threatened by the violation of his right of free speech. This is especially so within the Humanities Division, but not only there.
3. Finally, I would like to express my hope that (a) the Board and the chief administrators of the university would seriously study the question of whether anyone was responsible, or primarily responsible, for the violation of Professor Eichmann's right of free speech, and (b) that if anyone is responsible, or most responsible, that that person, or persons, be assigned to some other function in the university which does not require them to be involved in personnel decisions.

Some discussion followed:

The Chairman of the Board noted that the Board had spent much time with legal counsel on the matter. He noted that the whole matter was unfortunate. He also said that since this was a personnel issue the discussion of these matters had to be conducted to be in executive session.

He also said that the university is protected with liability insurance which pays most of the settlement. He also said that many times a settlement is wise even if litigation might be successful. Further, the settlement money must come out of the existing budget for this was not a budgeted item.

President Landini indicated that no appeal would be made in the case, but that making the settlement constituted no admission of guilt on the part of the University.

He also noted that that part of the money which had to come "out of pocket" would be drawn from the operating budget of the Evansville Campus, not the Terre Haute Campus. He said that President Rice would have to determine which part of the budget the money would come from.

One of the Terre Haute administrators said that the liability insurance would cover the largest part of the amount. No one mentioned a specific ratio or total amount at the meeting. However, in a conversation at some time previous to the Board meeting, President Landini said he thought that the operating budget would have to be tapped for 1/6 of the amount.

In response to one of my comments one of the Board members quoted someone who said something to the effect that democracy was not a good form of government but it was the best that exists. He offered that as some parallel to the jury system.

President Rice stated that a faculty committee on campus that reviewed Professor Eichmann's grievance said that there was no prima facie evidence that his academic freedom was violated.

President Rice had no comment about which part of the budget would be used to pay the part of the settlement not covered by liability insurance.

Now I would like to make some points which I didn't make at the Board of Trustees meeting: My inference is that the total amount drawn from the budget would be about \$10,000. Or if this were drawn from the salary budget or monies that might be used for salary, the amount would be roughly \$100 per faculty member.

In reply President Rice noted that the figure of 125 not 100 faculty members should be used in calculating any deduction per faculty member. It would not be determined for several months exactly which part of the budget would be used to pay any of the settlement not covered by insurance.

Professor Mussard acknowledged receipt of President Rice's response of January 28, 1980, to the Council's resolution regarding the consultation of faculty committees and indicated that this response would be attached to the minutes.

5. Professor Gehring suggested that the Council adhere more closely to Robert's Rules of Order which state that each member of a group is limited to two comments on each motion, and everyone should be allowed to speak once before anyone speaks twice. The Council agreed by consensus to follow this suggestion.
6. Professor Shaw moved to adjourn the meeting; Professor Edwards seconded; meeting adjourned at 4:59 P.M.

Respectfully submitted,

Michael D. Waitman

Michael D. Waitman
Faculty Council Secretary
2/15/80