

*File*

MINUTES OF THE FACULTY COUNCIL MEETING

Time: December 12, 1973, at 3:00 P.M. in the Rare Books Room

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

Ex-Officio Present: Dean Bennett

Others Present: Professors DeVries, Hahn, D. Miller, Pasko, Settle; Ms. Welch

The Chairman called the meeting to order at 3:00 P.M.

1. Minutes of the December 5 Meeting.

The minutes from the December 5 meeting were accepted as amended.

2. Conclusion of Discussion on Motion to Adopt the Proposed Revision of the Faculty Council Statement on Academic Freedom and Tenure.

The Chairman called attention to the retyped version of the document, which he had distributed to Faculty Council December 10, 1973. He recalled the changes which had been suggested and said they had been incorporated into the present version.

The Chairman recalled that Professor Kinzie had raised the question of the order of consideration for approval of the present document and the changes in the By-laws for the necessary committees. The Chairman stated that there were parliamentary problems in the combination of notions and that the committees already existed in other forms in the Handbook, the Faculty Council having the functions of a grievance committee and a hearing committee being called for in termination or dismissal procedures on pages 3-8 to 3-10. The Faculty Council would not be introducing new committees but rather expanding their powers and changing their form.

The Chairman recalled that a motion to accept the document had been made at the December 5 meeting. He stated that in the interim he had discussed the possible acceptance of the document with President Rice. He reported that President Rice generally supported it but that he had communicated some concerns about the wording of a few sections. The Chairman stated that he thought it was important that the Faculty Council present the President as strong and as clearly worded document as was possible. He stated that he would transmit it to the President with a request that he submit it to the Board of Trustees for approval. He would also suggest a meeting between the President and a conference committee of Faculty Council if any changes were needed.

Professor H. Sands requested that footnote one be expanded to state the differences between the present document and the recommendations of the AAUP. She saw particular need to clarify the basis of the recommended seven year probationary period. The Chairman responded that seven years had been recommended by the Keast-Macy Commission but that this was not necessarily the stand of AAUP. Professor Eichman stated that the AAUP recommended a maximum of seven years and that it had responded to the Keast-Macy recommendation by asserting that various requirements at various institutions could make different

lengths of the probationary period appropriate. Professor H. Sands stated that the present recommendation seemed more rigid than the AAUP recommendations. The Chairman responded that in the original discussions in the drafting of the revision there had been concern over the previous five year period as too short a period of time. The extension of the probationary period from five to seven years carried with it a lengthening of the period of time to advance from Assistant Professor to Professor. He felt that a period of seven years was not unreasonable. He noted in conclusion that this footnote would have to be changed to indicate that this document was a modified version of the 1972 AAUP model regulations.

Professor Frost recalled her previously expressed concern with the wording "reputable educational institutions" in section 2(a). Dean Bennett explained that service should be at accredited institutions, the same as recognized by the North Central Association for accreditation. He noted that proprietary schools were not recognized.

The Chairman stated that there might be problems interpreting the intent of the third paragraph of section 2(a). After discussion of the necessity to distinguish between initial appointment at the Professor rank and promotion to that rank and of the varying lengths of probationary periods, a revision of this paragraph was suggested.

The Chairman described the expansion of section 3 which included the relevant portions of section 6, a difference being in exclusion of the portions referring to "dismissal." He described differences between the proceedings provided for in section 3 and in section 6 as consisting in the assumption of the burden of proof and in the reasons considered for review. After discussion of the propriety of counsel in these proceedings, it was decided that a footnote should be added to provision 3 (b)(5) to the effect that the administration should have the right to counsel if the faculty member exercises the right to counsel.

Attention was called to the wording "responsible educational association" in sections 3(b)(6) and 6(c)(6). After discussion the wording was changed to "responsible professional association."

Professor Barnes suggested the insertion of the wording "to the case" after each occurrence of "party" in section 6(c).

Dean Bennett asked whether section 9 should not be expanded to include the grievance of one faculty member against another, a type of grievance he described as the most common in his experience. The Chairman responded that the Grievance Committee as proposed in the addition to the By-laws had a wide range of duties.

The disposition of the proposed revision was again questioned. The Chairman restated his belief that the Faculty Council was obligated to present a document to the President and that then any further changes could be made before presentation to the Board of Trustees. Professor Barnes asked whether the document would go before the general faculty for approval. The Chairman responded that there was no provision for Faculty Council resolutions to go before the general faculty and that only changes in the Constitution called for general faculty vote.

Concern was expressed that a definition of faculty and administration should precede approval of the document. After discussion it was agreed that the Faculty Council could vote on the present revision with the understanding that the question of a definition of faculty and administration be clarified before the document would be transmitted to the Board of Trustees.

The motion to accept the document Faculty Appointment and Tenure: Basic Policies and Procedures, as revised, carried.

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

Professor Kirsch moved, seconded by Barnes,

Motion: That the proposed section 9 be added to Article V of the By-laws of the Constitution.

Discussion of the propriety of the proposed composition of the committee followed. Professor Kinzie moved seconded by Kirsch to strike the words "and one from the faculty at large" from the preamble to the committee description. The motion to amend carried.

Professor Eichman moved, seconded by Kinzie, to strike the word "dismissed" and insert the word "terminated" in its place in section A(2). Motion to amend carried.

Professor Barnes moved, seconded by Kirsch, to strike the words "dismissal proceedings" and insert in their place the word "hearings" in section D.

The motion to amend carried.

The motion to accept section 9, as amended, as an addition to Article V of the By-laws of the Faculty Constitution then received the necessary two-thirds majority approval.

Professor Kirsch moved, seconded by Kinzie,

Motion: That the proposed section 10 be added to Article V of the By-laws of the Faculty Constitution.

The Chairman suggested that the title of the committee should be shortened to The Faculty Hearing Committee for consistency with the other document. Discussion on the propriety of composition of the committee followed. It was decided that each division should be represented and that alternates should be provided for in case of the disqualification of a member in a particular hearing. Professor Frost moved, seconded by Kirsch,

Motion: That the preamble to the proposed section 10 be revised to read, "The Committee is composed of one faculty representative from each Academic Division. One Alternate from each Academic Division shall also be chosen. In the event both Divisional Representatives are disqualified, the committee shall choose one member from the remaining list of alternates. The President may appoint an ex-officio, non-voting member. Members deeming themselves disqualified

for bias, prejudice, or interest shall be removed from the case, either at the request of a party or on their own initiative. Each party shall have a maximum of two challenges without stated cause."

The motion to amend carried.

Professor Lichman moved, seconded by Kinzie,

Motion: That the word "section" be struck and the words "sections 3 and" be inserted in its place in section B of the proposed addition.

The motion to amend carried.

The motion to accept section 10, as amended, as an addition to Article V of the By-laws of the Faculty Constitution then received the necessary two-thirds majority approval.

Agenda items 4, 6, and 7 were postponed to a later meeting.

5. Announcement of Ad Hoc Committee to plan the General Faculty Meeting of January 9, 1974.

The Chairman announced that the subject of the meeting would be the University's response to the energy crisis. He was asking Professors Stanonis, J. M. Davis, Straeffer, and Costa, and Dean Lawson to serve as a discussion panel to be chaired by Professor Barnes. Dean Bennett announced that the President had appointed a committee chaired by Dean Lawson and including two faculty members and two student members to discuss the transportation situation at the University.

6. Adjournment

The meeting adjourned at 4:58 P.M.



Thomas Lichman, Secretary

TE/sg