

Time: October 31, 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, and H. Sands

Ex-officio Present: Vice-President Wright

Others Present: Professors Bertram, Deem, DeVries, Hahn, Kent, Lonnborg, Settle

The Chairman called the meeting to order at 3:12 p.m.

1. Minutes of October 17 and 24 Meetings

Approval was deferred since minutes for the meetings were not ready prior to the present meeting.

2. Continuation of Discussion of Proposed Revision of Faculty Handbook Statement on Academic Freedom and Tenure

The Chairman called attention to the memo he had sent to Professor Pasko in response to the request he had presented at the last meeting. He trusted that the Council would approve of his action.

The Chairman reported that he had met with Dean Bennett, following the suggestion at the end of the last meeting in order to review the historical development of the 1969 policy statement as it was different from the Terre Haute practice and to attempt to work out a solution to the proposed revision on page FC-1. He also distributed copies of documents from the 1969 period of development, a memo from Dean Rice to President Rankin, dated May 19, 1969, and a document entitled Policies on Academic Tenure and Dismissal, also dated May 19, 1969. He described the matter as containing three areas of concern centered around one larger issue. He called attention to the memo in which Rice reported to Rankin that the Faculty Council had recommended procedures and policies pertaining to academic appointment, promotion, tenure and dismissal in essence similar to those of the Terre Haute campus with the exception that "Faculty members who hold the rank of Instructor shall not be eligible for continuous tenure until they are promoted to the rank of Assistant Professor." The Chairman reported that from discussions he had had during the past week with Professors Pitzer and E. DaRosa and Dean Bennett and President Rice the reasons for the policy that had been recommended had become clear. There had been concern over a disproportionate number of faculty members at the Instructor level. The administrators and the Faculty Council at that time felt it was necessary to prevent the tenuring of the large number of Instructors which had accrued to the campus because of its size and newness. There were three questions which the chairman thought were crucial to determining further action. First, the Council had approved two types of appointments in May, 1969, term and continuous. In effect, by refusing tenure to Instructors and by declaring probation as a period of term appointments, the Faculty Council had recognized the Instructor as a third type of appointment. He also noted that the concept of "special term appointment" was not contained in the May 1969 statement.

Second, had Board of Trustees approval of the 1969 Faculty Council's statement ever been obtained? After Rice's transmittal to Rankin, the policy had been resubmitted to the Faculty Council, but there was no indication of approval. He described the answer to this question as an important point which would have a great deal of bearing on certain imminent decisions. The third question was whether we wished to

Approved 11/14/73

recommend continuation of the requirement of attaining Assistant Professor status before being eligible for tenure. Professor Kinzie asked whether it could not be ascertained if the Board of Trustees had given approval. The Chairman replied that he was seeking that determination from the President's Office and felt it was important since the present proposal retained the previous statement intact on this point. He stated that in theory the campus presently has three kinds of appointments, tenured, probationary (also known as term), and special term. The 1969 policy statement referred to two types, term and continuous. The category, "special term appointment," had been added subsequently but its official status was uncertain. He noted that actually a fourth category probably existed, that of "Instructor". This possibility was carried in the portion of the definition of appointments on page 3-8 of the Handbook which says "Faculty members who hold the rank of Instructor shall not be eligible for continuous tenure until they are promoted to the rank of Assistant Professor. They shall, however, be eligible for annual term appointments." Thus, in theory, an Instructor is not serving a probationary period, and there would be no limit to the number of years a person might serve in the rank of Instructor. A distinction thus existed in so far as persons in every other rank had to be tenured before they could be promoted, whereas those in the Instructor rank had to be promoted before they could be tenured. Thus, in theory, after serving an indefinite period at the Instructor rank, a person could be promoted to Assistant Professor, at which time the probationary period would begin. This policy was meant to allow flexibility in order to provide for thorough scrutiny of persons hired in the Instructor rank. Another consideration that went into the establishment of the policy was the desire to minimize the number of those pursuing terminal degrees while employed at ISUE. The Chairman related further that in practice, however, the policy has been somewhat differently applied. First, the years at Instructor rank have been counted retroactively as probationary once persons have been promoted. Second, although credit toward the probationary period was not to be granted for special appointments, that had been done. Third, some people have been appointed at the rank of Assistant Professor who have similar qualifications to others appointed at the Instructor rank. Fourth, the category "special term appointment" has been developed with no record of where it came from. Fifth, both Professors Pitzer and DaRosa had recalled that, at the time of the approval of the Faculty Council, it was intended that the years of service as an Instructor were to count on a one to one basis the same as for the Assistant Professor. This policy was to apply to all instructors hired after June 27, 1969. Such Instructors are thus in a separate category from the other three outlined in the Handbook. The Chairman posed the question what the Council could do. He remarked that the Council does not make administrative decisions, nor has it contributed to the practice developed since June 27, 1969. He also recalled that Dean Bennett had admitted that the theory and the practice were at variance. The Chairman concluded that the Council could either continue to support the ambiguous status of those appointed at the Instructor rank, or it could recommend that Instructors could be tenured. He suggested that we could bring the proposed revision's definitions into line with actual practice by including the wording "appointments at the Instructor level" in the exceptions listed in section 1 (b). Also on record should be the intention to count service at that level retroactively toward the probationary period. The question would still remain as to whether the administering of the policy had been fair in the past and whether it would be fair in the future. The Chairman contended, however, that the Council could not settle that issue and also could not lay down detailed rules to be followed in the administration of the policy.

Professor DeVries said there were other questions concerning appointments and tenure, one being whether a person could be appointed to a series of special appointments and then tenured. The Chairman responded that he had asked Dean Bennett if credit

toward the probationary period had been given for special term appointments and that Dean Bennett had responded that it had happened but that it was exceptional. Professor DeVries asked whether time served in probationary appointments at the Terre Haute campus was to count on this campus. The Chairman responded that he had not gone into that question. He stated further that the report he had presented was an attempt to point out the operating practice by the campus administration and had been based on conversations he had had with President Rice and Dean Bennett. He maintained, however, that the Faculty Council could not make operational personnel decisions. Professor Kirsch asked whether there was any desire to perpetuate the flexible policy. The Chairman remarked that in theory the policy for this campus was different from that of the Terre Haute campus, but that in practice we do grant full credit for years served at the Instructor rank. He judged that it did open the door to arbitrary and unjust application of the policy, but that it had to be based on good faith. A clear way out of such arbitrary application would be to spell out and enforce various requirements at the Instructor and Assistant Professor levels. Professor Bertram remarked that letters concerning special appointments clearly state that the year's service does not count toward tenure. The Chairman recalled that Dean Bennett had presented copies of the special appointment letter type and the Instructor type. The Instructor letter carried no stipulation that the year did not count toward probation but operationally there was no difference. A discussion followed in which were voiced questions about and concern with the use of the special term appointment at the Assistant Professor level, with visiting professors, and whether such appointments should count toward tenure. The Chairman stated that it was his understanding that the Faculty Council had not approved this category, that it was not supposed to count toward tenure, but that there was at least one instance of a year of service in a special term appointment being allowed to count toward the probationary period. Professor DeVries commented that a court decision in a public school case made the practice of hiring persons in series of special appointments invalid as a means of avoiding granting tenure. He related that there were presently court cases to test the applicability of this principle to college and university level appointments. Professor Settle stated that the policy on tenure had different effect on the different divisions. The state of supply and demand of candidates for the various levels in the Business Division currently had a relatively small supply of terminally qualified candidates with reference to the general demand. Thus the conditions for this Division were much the same as they were in 1969. He stated that the Business Division must be concerned with accreditation as a professional qualification and thus would not want to get locked in with a staff at the Instructor level. The Chairman concluded that there would be some problems that could not be solved, and that the principle of flexibility was a good one to maintain. In response to a question from Professor H. Sands about the effect adoption of the policy of Instructor as a special category would have on persons hired as Instructors in what they had been informed was probationary status, the Chairman stated that the policy could not be made retroactive and that anyone having been given probationary status at the Instructor level could not be removed from that status by this action of the Faculty Council. The Chairman relayed a request from Dean Bennett that the reference to brief association in the definition of special appointments be stated as clearly limited to one year or less. Professor Eichman remarked that he did not know how to interpret that request since currently there was more than one person in at least a second year of a special appointment. He wondered whether Dean Bennett was requesting a policy different from the current practice. The Chairman called for consideration of the wording of Section 1 of the proposed revision. He read a version of that section with reference to three types of appointment, special, probationary and continuous. He stated that Section 2 (a)

would have to define the probationary period and would need adjustment of the phrase "term appointment" to "annual appointment": As an alternative to the Chairman's rewording, Professor Kirsch's proposal, distributed the previous week, was recalled. This proposal simply referred to the three types of appointments, with more elaboration of the special type. A discussion followed about whether flexibility would remain and whether such was desirable Professor Frost concluded that the Faculty Council has approved guidelines for promotion which are, however, not set so rigid. She regarded the present policy statement as a similar matter. The Chairman remarked that it was best to assume that personnel decisions at variance with general policy were highly exceptional rather than the rule and that the whole structure of the university was built on good faith. It was his understanding that the administration was fundamentally committed to the policy and practice of probation and tenure and was not opposed to a tenure system. Professor DeVries commented that he felt that the good faith existed within the divisions, and that such was the built-in safeguard. Professor Eichman remarked that the more stringent review procedures called for later in the proposed revision could be viewed as a means of enforcing good faith procedure at the lower level. Professor Kirsch moved, seconded by Frost, that Section 1 (b) of the proposed revision be replaced by the following statement:

There are three kinds of appointments:

- 1) Probationary
- 2) Continuous appointments with tenure
- 3) Special appointments, consisting of those clearly limited to a brief association with the university, reappointments of retired faculty members on special conditions, and those at the Instructor level.

The motion carried.

### 3. Approval of Curricular Committee Action on New and Modified Courses

After appropriate motions and discussion, petitions for the following new or modified courses and modified programs were approved by the Faculty Council:

Education 305 - Teaching of Social Studies in Secondary School - 3 hours  
Education 391 - Teaching of High School Mathematics - 3 hours  
Education 391 - Teaching English in the High School - 3 hours  
Education 392 - Teaching of Science in the Secondary School - 3 hours  
Education 411 - Teaching of Communications in the Secondary School - 3 hours  
Education 402 - Human Relations in the School - 3 hours  
Life Science 441 - Histotechnology - 2 hours  
Life Science 442 - Histology - 3 hours  
Communications 291 - Radio/Television Workshop - 1 to 3 hours  
Communications 400 - Independent Study in Communications - 1 to 3 hours  
Modification of Major and Minor  
Curricula requirements: Economics (Non-teaching)  
Economics 102 - Principles of Macroeconomics - 3 hours  
Economics 103 - Principles of Microeconomics - 3 hours  
Economics 242 - Comparative Economic Systems - 3 hours  
Economics 271 - Elementary Statistics - 3 hours  
Economics 302 - Intermediate Macroeconomic Theory - 3 hours  
Economics 303 - Intermediate Microeconomic Theory - 3 hours

Economics 332 - State and Local Finances - 3 hours  
Economics 341 - International Trade and Finance - 3 hours  
Economics 346 - Development Economics - 3 hours  
Economics 347 - Economic Problems of Latin America - 3 hours  
Economics 420 - Evaluation of Investment Projects - 3 hours  
Economics 499 - Senior Seminar in Economics - 3 hours  
Education 404 - Practicum in a Metro-Core School Setting - 4 hours  
Education 405 - Educational Psychology - 3 hours  
Education 406 - The Remediation of Learning Difficulties - 3 hours  
Education 497 - Curriculum and Materials for Metro-Core Schools - 3 hours  
Latin American 100 - Latin American Studies - 1 hour  
Modified Program: Life Science

Major and Minor

Life Science 208 - Introduction to Wildlife Biology - 4 hours  
Life Science 221 - Introduction to Entomology - 3 hours  
Spanish 318 - Spanish American Literature of Protest (In Translation) - 3 hours  
Spanish 320 - Masterpieces of Spanish Literature (In Translation) - 3 hours  
Business 430 - CPA Problems: Accounting Practice - 2 hours  
Business 431 - CPA Problems: Theory and Auditing - 2 hours  
Psychology 395 - Industrial Psychology - 3 hours  
Modified Program: Teaching Major and Minor in Life Sciences

Elimination petitions for the following courses were approved:

English 102 - 3 hours  
English 103 - 3 hours  
English 311 - 2 hours  
Life Science 310 - 2 hours

4. Progress Reports: Standing Committees of the Faculty Council; Continuing Education Program

This agenda item was deferred to a later meeting.

5. New Business

a. The Chairman noted that the next agenda would include approval of more courses and that the amount of action the Curricular Committee had taken might require a special session of Faculty Council.

b. The Chairman relayed the information from President Rice that on Wednesday, November 7, at 4:00 in Room 100 a representative of the Lilly Endowment would be available for discussion of projects and problems in higher education. Vice President Wright noted that the Lilly Endowment was not so much concerned with specific grant proposals but in problems in higher education which they could help solve.

6. Adjournment

The meeting adjourned at 4:35 p.m. to meet next on Wednesday, November 7, 1973, in the Rare Books Room.



Thomas Eichman, Secretary