

UNIVERSITY OF DELAWARE
NEWARK, DELAWARE
19711

UNIVERSITY FACULTY SENATE
303 HULLIHEN HALL
PHONE: 302-738-2829

April 20, 1976

MEMORANDUM

TO: All Faculty

FROM: E. Paul Catts, Vice President
University Faculty Senate

SUBJECT: Regular Senate Meeting, May 3 and 10, 1976



In accordance with Section IV, paragraph 6 of the Constitution, the regular meeting of the University Faculty Senate will be held on consecutive Mondays of May 3 and May 10, 1976, from 4-5:30 p.m. in room 110 Memorial Hall.

Note: Because of the length of this Agenda the Executive Committee believes that at least two meeting dates will be necessary, May 3 and May 10.

AGENDA

- I. Adoption of the Agenda.
- II. Approval of the Minutes of the last regular Senate meeting on April 5 and 12, 1976, and of the Special meeting of March 15 and 22, 1976.
- III. Announcements by Senate President T.E.D. Braun.
- IV. Old Business
 - A. Continuation of report and recommendations from the Ad Hoc Committee on Governance. (This was listed as item B - New Business, April Agenda; distributed as Attachment #3 to that Agenda.)
 - B. Resolution from the Rules Committee (M.R. Recke, Chairperson) to delete reference to the Committee on Campus Life from the charge to the Nominating Committee:

RESOLVED that the phrase "and the chairperson of the Coordinating Committee on Campus Life" be deleted from the charge to the Nominating Committee in the Bylaws and Regulations of the University Faculty Senate (Section I-15).

(Note: This was listed as item C - New Business, April Agenda.)

- C. Two related resolutions from the Coordinating Committee on Education (J.J. Pikulski, Chairperson) as follows:
1. RESOLVED that the Faculty Senate recommends the deletion of the Associate in Applied Science Degree from the offerings of the College of Agricultural Sciences.
 2. RESOLVED that the Faculty Senate approves the offering of the Associate in Science Degree in Agricultural Sciences. Requirements for this degree shall be 60 credit hours, at least 30 of which represent coursework in agriculture and related subjects.
- (Note: This was listed as item D - New Business, April Agenda.)
- D. Report from the Ad Hoc Committee on Retrenchment (G.A. Cicala, Chairperson). (This was listed as item F - New Business, April Agenda; see Attachment #4 to that Agenda, already distributed.)
- E. Report from the Committee on Student Life (A.A. Branca, Chairperson) with a recommendation that the Faculty Senate approve the revised University Policy Concerning Alcoholic Beverages and recommend its adoption to the Board of Trustees. (This was listed as item G - New Business, April Agenda; see Attachment #5, parts a and b, to that Agenda.)
- F. Resolution from the Committee on Student Life (A.A. Branca, Chairperson) that the Faculty Senate endorse and forward to the President of the University the Committee's recommendation that a Standing Committee to Regulate the Use of Beverage Alcohol on the University of Delaware Campus, with an appropriate set of charges, be established. (This was listed as item H - New Business, April Agenda; see Attachment #5, parts c and d, to that Agenda.)
- G. Proposals for changes in the Faculty Handbook with reference to Termination and Non-Renewal Policies, from the Committee on Faculty Welfare and Privileges (R. Geiger, Chairperson).

Note: These proposals are being brought back to the Senate after being returned to the Committee at the March 22 session of the March 15-22 Special Senate Meeting. The Committee's Report was distributed at that time; changes in the proposals will be distributed when they are available.

V. New Business

- A. Election of Senate Officers for 1976-77 (L.M. Palmer, Chairperson, Nominating Committee). (Slate of candidates to be distributed when finalized, as Attachment 1.)

- B. Nominations (from the Coordinating Committee on Education, J.J. Pikulski, Chairperson) and election of a representative to the Governor's Public Higher Education Advisory Committee.
- C. Revised charge to the Committee on Faculty Welfare and Privileges from the Committee on Committees (F.R. Scarpitti, Chairperson). (Attachment 2)
- D. Approval of nominations for the new Student Judicial System appointments for 1976-77 (R.O. Eddy, Dean of Students).
- E. Report from J.E. Worthen, Vice President for Student Affairs and Administration, on changes made in the Student Judicial System.
- F. Recommendations from the Committee on Faculty Welfare and Privileges (R. Geiger, Chairperson) for the establishment of a Student Grievance Procedure at the University of Delaware. (Attachment 3, to be distributed)
- G. Such items as may come before the Senate. (No motion introduced at this time may be acted upon until the next meeting of the Senate.)

Attachments are in the hands of your Senators. Distribution also includes one copy for each ten faculty members of each department.

EPC/b

Attachments:

1. Slate of candidates (to be distributed)
2. Revised Charge to the Committee on Faculty Welfare and Privileges
3. Student Grievance Procedure (to be distributed)

Item D

Judicial System

UNIVERSITY FACULTY SENATE

Ballot

May, 1976

Additional nominations may be made from the floor; persons making such nominations are responsible for determining that the nominee will serve if elected.

SENATE OFFICERS

PRESIDENT (Vote for one)

John Pikulski (*Education*) _____

Peter Leavens (*Geology*) _____

VICE PRESIDENT (Vote for one)

Beth Haslett (*Speech*) _____

John Shellenberger (*Business Admin.*) _____

Byron Shurtleff (*Art*) _____

SECRETARY (Vote for one)

Frank Newman (*English*) _____

Sarah Van Camp (*Home Economics*) _____

UNIVERSITY FACULTY SENATE

Ballot

May, 1976

Additional nominations may be made from the floor; persons making such nominations are responsible for determining that the nominee will serve if elected.

SENATE COMMITTEES

CHAIR: COORDINATING COMMITTEE ON EDUCATION (Vote for one)

Lou Mosberg (*Education*) _____

Allan Thompson (*Geology*) _____

RULES COMMITTEE (Rank two in order of preference; higher number for first choice)

Morris Barnhill (*Physics*) _____

Ted Braun (*Languages & Literature*) _____

Peter Leavens (*Geology*) _____

Penny Ziegenfuss (*Home Economics*) _____

CHAIR: COMMITTEE ON COMMITTEES (Vote for one)

Stanley Sandler (*Chemical Engineering*) _____

Barbara Settles (*Home Economics*) _____

TWO MEMBERS: COMMITTEE ON COMMITTEES (Rank two; higher number for first choice)

Steve Finner (*Sociology*) _____

James Kent (*Physical Education*) _____

Deborah Kliman (*Home Economics*) _____

Lucia Palmer (*Philosophy*) _____

(over)

FIVE MEMBERS: NOMINATING COMMITTEE (Rank 5; higher number for first choice)

Val Arnsdorf (<i>Education</i>)	_____
George Cicala (<i>Psychology</i>)	_____
Billy Glass (<i>Geology</i>)	_____
Raymond Goodrich (<i>Mathematics</i>)	_____
Rodney Gray (<i>Home Economics</i>)	_____
William Krauss (<i>Agriculture</i>)	_____
Ken Lewis (<i>Economics</i>)	_____
Judy Runkle (<i>Speech</i>)	_____
Elaine Safer (<i>English</i>)	_____
Mark Sharnoff (<i>Physics</i>)	_____

2. Non-renewal

Proposals for the non-renewal of faculty members' contracts, and the reasons for them, shall be reviewed by the faculty or an appropriate group of the faculty of the departments/units concerned. The written opinions resulting from such review shall be taken into consideration by all the administrative officers concerned before a final decision is made. Faculty members shall be given notice in writing of the decisions and the reasons for them.

In the event of a decision not to renew, the faculty member shall have an opportunity to request a timely reconsideration by the decision-making body. A faculty member who alleges that academic freedom has been violated by the decision-making body, or that the decision-making body did not give adequate consideration to the circumstances, may petition the appropriate faculty committee. Notice of non-renewal will be given in accordance with the following standards recommended by the Faculty Senate and approved by the administration.

[Notice dates follow unchanged]

IV. The Need for Revision of the Faculty Handbook, III-H

The first paragraph of III-H, "Outside Employment" reads:

The first duty and responsibility of the faculty member is to render to the University the most effective service possible. At the same time, consultation and other activities of a highly professional nature are looked upon favorably and encouraged where these activities make a positive contribution to the University. No outside service or enterprise, professional or other, should be undertaken that might interfere with the discharge of this prime responsibility or bring the faculty member, as an expert or in any other capacity, into conflict with the interests of the University. [Emphasis added.]

The intent and scope of the underlined words are not clear. Could they be interpreted in such a way that, for example, a faculty member could be deemed to have given reason for non-renewal or cause for termination if, as a Newark city councilperson, he or she voted against the University's position on electricity rates? Do they conflict with the revised policy on faculty political activity passed by the Senate in March? Our Committee will propose a revision of this paragraph in the near future.

quickly revealed the gulf that separated faculty and presidential views. We believe that a less drastic and less public way of dealing with the situation could have been found, through consultation, that would have spared Mr. Aumiller, President Trabant, and the faculty of the University of Delaware an experience that has engendered shock, misunderstanding, mistrust, fear and anger.

Therefore, we propose changes in the Handbook policies concerning both non-renewal and termination that will ensure faculty participation in such decisions. Thus reasons for non-renewal and causes for termination will be made more consistent with faculty assumptions of reasonableness, and consultation between faculty and administration will lessen the chance that a case of non-renewal or termination will lead to a confrontation.

III. Proposed Revision of the Faculty Handbook, III-N-1

N. TERMINATIONS AND NONRENEWALS

1. Terminations

A clear understanding of the terms of the contract between the faculty member and the University is a prerequisite for a harmonious relationship. Within the terms of his contract, a faculty member at the University of Delaware is assured that an appointment will be terminated only for adequate cause--incompetence, gross irresponsibility, or moral turpitude--except for retirement because of age or termination caused by extraordinary financial circumstances.

Faculty members shall be terminated for cause only after being afforded a hearing before the faculty or an appropriate group of faculty of their department/unit. This body's advisory decision may be appealed within ten working days to the Senate Committee on Faculty Welfare and Privileges. Faculty members shall be informed in writing, at least two weeks prior to hearings, of the reasons for the proposed termination, shall have the opportunity to be heard in their own defense by all bodies or individuals who pass judgment on the case, and shall be permitted to have advisors of their own choosing from within the University in their presentations. This Committee shall render its advisory decision to the appropriate administrative officer within 14 working days after receipt of the appeal. In the case of termination for cause, the burden of proof in the proceedings rests with the party or parties bringing the charge(s). In the case of proposed termination for moral turpitude, faculty members may be suspended while hearings are held in the event that their continued presence at the University would constitute a clear and present danger to the health, morals, or safety of members of the University community. Termination for cause not involving moral turpitude or gross irresponsibility shall become effective after one year's notice of the final decision to terminate.

The following is the slate of nominees presented by the Nominating Committee for positions to be filled by election in the Senate:

President:

John Pikulski
Peter Leavens

Vice President

Beth Haslett
John Shellenberger
Byron Shurtleff

Secretary

Frank Newman
Sarah Van Camp

Chair: Coordinating Committee on Education

Lou Mosberg
Allan Thompson

Rules Committee (2)

Morris Barnhill
Ted Braun
Peter Leavens
Penny Ziegenfuss

Chair: Committee on Committees

Stanley Sandler
Barbara Settles

Members: Committee on Committees (2)

Steve Finner
James Kent
Deborah Kliman
Lucia Palmer

Members: Nominating Committee (5)

Val Arnsdorf
George Cicala
Billy Glass
Raymond Goodrich
Rodney Gray
William Krauss
Ken Lewis
Judy Runkle
Elaine Safer
Mark Sharnoff

REVISED CHARGE for the Committee on Faculty Welfare and Privileges, as
Recommended to the Faculty Senate by the Committee on Committees

1. This Committee is charged to help develop and review general policies in the areas of reappointment, dismissal, faculty evaluation and appraisal, salary adjustment, sabbatical leave, fringe benefits and other areas of personnel policy and conditions of faculty employment, and to prepare recommendations concerning such policies for transmission to the Trustees through the faculty or its Senate, and through the President of the University, in accordance with Trustee Bylaw.
2. For faculty members who are not covered by the current Collective Bargaining Agreement, the Committee shall be available to hear, investigate, advise, and as far as it may be able, mediate specific complaints of individual faculty members seeking the resolution of possible grievances.

It shall, with the acquiescence of both parties to a dispute, receive and file copies of correspondence pursuant to such disputes so that it may better serve its legislative function and that it may develop and maintain a file of precedent.
3. In addition, it shall review the adequacy of, or require the establishment of, adequate College or Division Committees of Review for those instances of individual faculty complaint which do enter the contracted grievance procedure.
4. Nothing in the charge to this Committee shall operate to result in conflict with any current Collective Bargaining Agreement clause or requirement or with state law governing collective bargaining.
5. This committee shall consist of five faculty members, one of whom shall be an assistant professor.

PRESENT CHARGE for the Committee on Faculty Welfare and Privileges

This committee is charged to help develop general policies in the areas of promotion, tenure, appointment, reappointments, dismissal, salary adjustment, sabbatical leave, and other conditions of faculty employment, and to prepare recommendations concerning such policies for transmission to the Trustees through the faculty or its Senate, and through the President of the University, in accordance with Trustee Bylaw. It shall be available to hear, investigate, advise, and as far as it may be able mediate specific questions of individual faculty members in these areas, seeking the informal resolution of possible grievances or complaints. It shall, with the acquiescence of both parties to a grievable or complainable dispute, receive and file copies of correspondence pursuant to such disputes, that it may better serve its legislative function, and that it may develop and maintain a file of precedent. The committee shall in addition review the adequacy of or require the establishment of adequate College or Division Committees of Review for those instances of individual faculty complaint which do enter the contracted grievance procedure.

Nothing in the charge to this Committee shall operate to result in conflict with any current Collective Bargaining Agreement clause or requirement.

This committee shall consist of five faculty members one of whom shall be an assistant professor.

UNIVERSITY FACULTY SENATE
Committee on Faculty Welfare and Privileges

Proposal for a
STUDENT GRIEVANCE PROCEDURE

I. Justification and Background

The 1975-76 Student Guide to Policies describes in detail the procedures by which the faculty and other members of the University community may initiate disciplinary action against students for alleged violations of the academic honesty or social responsibility codes. No formal procedures exist, however, by which students can seek remedies against faculty members for alleged mistreatment. Students may, of course, complain informally to their instructors, chairpersons, and even deans about what they believe to be unfair grades or other forms of abuse or exploitation. We have no way of estimating the effectiveness or extent of this informal complaints process, though the petitions for grade changes processed by the Committee on Undergraduate Records and Certification may give some indication. Each year about 450 (464 in 1975-76) student petitions are channelled through the deans' offices to the appropriate working-level subcommittees of this Committee. Each subcommittee consists of Dr. Robert Mayer, Director of Admissions and Records, a representative of the Provost's office and a representative of a dean's office. The subcommittees attempt to mediate agreement in cases where disputes over grades concern academic judgment. They change grades in cases where assigned grades can be regarded as procedural mistakes. Our Committee believes that this process has worked well so far, and should be continued with two minor changes. Proceeding on the basis of uniformity and equity, it saves both faculty and students from mistakes that arise out of ignorance of complicated or revised grading rules and procedures. But, as a committee consisting solely of administrators, it does not, and should not, make binding decisions in cases involving more than procedural error. What is needed is a system that will handle complaints beyond the purview of the Committee on Undergraduate Records and Certification.

This need was brought to our Committee's attention by Associate Provost Halio in connection with his role in coordinating the efforts of the Task Force on Self-Evaluation of Title IX and the Ad Hoc Committee to Recommend a Student Grievance Procedure. We were the more ready to look into the question because the Committee on Student Life indicated that it wished at least to "postpone involvement . . . until such time as more specific objectives have been defined and a more concisely described task may be referred for consideration and action . . . by the committees already at work on this assignment" (Branca memo, 1/19/76). Our Committee has attempted to define those objectives and outline a procedure for achieving them consonant with the faculty's welfare and privileges as well as students' needs. Our Committee has formulated the proposals below in the belief that the faculty should have the central role both in drafting and in implementing any student complaint procedure. In particular we have been careful to provide procedures that are consonant with two basic principles. First, faculty members have the sole right to assign grades to their students on the basis of academic judgment, although non-academic criteria should not be used in determining

grades. Second, when students complain that instructors have used non-academic criteria in assigning grades, or mistreated them in some other way, it is chiefly the responsibility of the instructors' colleagues of the teaching faculty, and most immediately of their departments/units, to decide whether or not such complaints are well-founded.

II. Definition of a Student Complaint

Student complaints fall into two categories, those involving grades and those involving other matters.

1. Grade complaint: a claim that a grade is unfair because of a faculty member's bias or because of a faculty member's failure to follow announced standards for assigning grades, but not because of a faculty member's erroneous academic judgment (i.e. not a claim that course standards are too high, reading is too heavy, the grade curve too low, etc. Proper remedies for such kinds of "unfairness," as it affects whole classes, are the use of the drop system in the short run and boycott of courses in the long run.

2. Other complaints: a claim of abuse, ill-treatment, or exploitation involving the irresponsible or unjust misuse of the instructor's position of authority, power, and trust (e.g. pointed sexist or racist slurs, or sexual or pecuniary blackmail).

III. Procedure

1. A student with a complaint against a faculty member must first try to reach agreement with the faculty member concerned.

2. A student whose complaint is not resolved in Step 1 may then appeal to the faculty member's chairperson, who will attempt to mediate the complaint.

3. A student or faculty member who is not satisfied with the decision reached in Step 2 may appeal through the chairperson to the department's "Academic Judgment and Student Complaints Committee." Each academic department/unit shall designate such a committee of at least five (5) members, one or two of whom may be students, by creating a new standing committee, by appointing an ad hoc committee for each complaint, or by adding the function of hearing student complaints to an existing committee (e.g., an undergraduate studies committee).

4. A student or faculty member who is not satisfied with the decisions reached in Step 3 may appeal to the Faculty Welfare and Privileges Committee of the University Faculty Senate. This Committee, on reviewing the case, may uphold the decision of the department committee without a hearing or it may agree to hear the appeal. For the purpose of hearing appeals, the Committee will consist of its regular members and two (2) students named each academic year, one by the Nominations Committee of the University of Delaware Coordinating Council and one by the College of Graduate Studies. The decision of this Committee shall be final.

5, The student and/or the faculty member may be assisted by an advisor of his or her choice from among the members of the University community and may call witnesses when deemed appropriate by the individual or group hearing the complaint or appeal. In such cases, all individuals involved must be notified of this at least three days before the hearing of the complaint or appeal.

Upon being notified of a complaint by the student the faculty member must meet with the student to discuss the complaint within ten (10) working days. Any appeal of the decision made as a result of this meeting must be made to the department chairperson within three (3) working days of the meeting. These time intervals will be similarly applied to the remainder of the procedure unless (1) other arrangements are made which are mutually agreed upon by all those involved, or (2) extreme circumstances preclude adherence to such time intervals. In addition, all appeals must be made in writing, and all decisions must be rendered in writing to all parties to the dispute.

IV. Remedial Action Where a Student Complaint is Upheld

1. In the case of a grade complaint, the decision at any step of the procedure may authorize the Records Office to change a grade, unless the decision has been appealed.

2. In the case of other complaints, the decision at any step of the procedure may be, if feasible, a remedy for the aggrieved party or parties. In addition to reporting its findings to the parties involved, the Committee on Faculty Welfare and Privileges may forward a copy of its findings to an appropriate administrative officer or faculty body.

REGULAR MEETING OF THE UNIVERSITY FACULTY SENATE

May 3, 1976

ANNOUNCEMENTS

1. The following is the text of a memorandum which the Executive Committee of the Senate sent on 15 March 1976 to President Trabant:

The Senate Executive Committee makes the following observations and recommendations concerning Assistant Professors hired for the 1976-1977 academic year:

1. We have no objections to one-year renewals of the contracts of Assistant Professors provided that this diversion from standard practice is clearly stated on the contract, and that the candidates understand the implications of this policy.

2. It is clear that a definition of "normal" conditions must be formulated. This could be worked out during the summer by a group consisting of the Provost and Associate Provost and two members of the Senate Executive Committee and two members of the AAUP Executive Council, or some other suitable ad hoc committee.

3. Prior to the time when renewal decisions are made -- perhaps as early as December or January -- the same ad hoc committee should meet to judge whether or not "normal" conditions, as previously defined, obtain.

2. Committee Appointment

Rick Breen, (Graduate Student, Chemistry) to the Instructional Resources Committee.