

REGULAR MEETING OF THE UNIVERSITY FACULTY SENATE

May 3 and May 10, 1976

MINUTES

First Session

The regular meeting of the University Faculty Senate was called to order at 4:00 p.m. Senators not in attendance were:

Lee Anderson	Edward H. Kerner	Richard Sharf
William Boyer	Vytautas Klemas	James R. Soles
L. Leon Campbell	Kenneth Lewis	Lloyd Spielman
Jo Ann Cox	William E. McDaniel	Ulrich C. Toensmeyer
David Ermann	John Reynolds	Thomas S. Watson
William S. Gaither	Blaine G. Schmidt	John E. Worthen

Senators excused: Judith Runkle

President Braun reminded the senators that there would be two sessions for the May meeting, and that he would observe a 5:30 adjournment time.

Vice President Catts indicated the following changes on the Agenda: 1) approval of the minutes of the April 5 and 12 meeting should be deleted from the Agenda, since they have not yet been distributed; 2) the chairperson of the Committee on Student Life had requested that Items E and F of Old Business be withdrawn; 3) the name of Peter Leavens should be added to Attachment 1 as a nominee for President. There were no objections to these changes, and the Agenda was adopted as amended.

Secretary Recke indicated a correction to the minutes of the Special Meeting of March 15 and 22; on page 6, second paragraph, line 7 of the resolution, the word "controversial" should be deleted. There were no further corrections and the minutes were adopted as corrected.

President Braun noted, with regard to the first item on the announcements, (attached) that the Executive Committee had made this response to an administrative request for approval of the new-hires policy, with the following conditions: 1) the response was that of the Executive Committee only; 2) the Committee's approval was conditional on having the term "normal" defined by a committee formed for that purpose and 3) that such a committee would review the policy on an annual basis. He emphasized that the approval was by the Executive Committee and not by the Senate, and that it was conditional and not blanket and not perpetual.

Prof. Mosberg, chairperson of the Governance Committee, introduced the first item of Old Business by continuing the discussion of that Committee's report. He said that the purpose of Resolution 10 was to devise a procedure for notification and implementation of Senate action. After a brief discussion the following resolution was passed by voice vote:

RESOLVED, that to monitor the proper execution of the policies approved by the Senate the following procedure be adopted:

A copy of the Senate action must be transmitted by the President of

and received by the Senate. It shall be the responsibility of the Secretary of the Senate to assure the efficient filing of all such correspondence, as well as of adequate minutes of Executive Committee meetings.

Senator Mosberg explained that the purpose of the three parts of 11C was to increase communication between the committees and the Senate. Part (2), requiring an item for "Committee Business" on every Agenda, was objected to on the grounds that it would take too much time to discuss committee business on the Senate floor, and because it would necessitate the presence of the committee chairpersons at each Senate meeting. Dean Gouldner moved that Item 11C(2) be deleted; the motion was seconded and passed by unanimous voice vote. President Trabant asked that the "or" in part (3) be changed to "and/or"; Senator Mosberg agreed to this as an editorial change. A motion was made that the words "such remarks would normally be given in writing rather than orally" be added to (3); there was no second. The following amended resolution was then passed:

- C. *In Section L (Responsibilities and Powers of Officers), add the following paragraph following the present fourth paragraph:*

The agenda of every regular Senate meeting shall include (1) a list of matters currently before every standing committee of the Senate; (2) an item giving the opportunity for remarks by the President of the University and/or the Provost.

Senator Mosberg introduced Item 11D as a means of implementing 11C by formalizing the responsibility of the chairpersons to submit minutes of committee meetings; it was noted that in addition to matters sent to committees by the Executive Committee, committees often also generate their own business, or are approached directly by members of the Administration. It was suggested that since some committees are seasonal the reports could be quarterly rather than monthly. After a brief discussion, the following motion was defeated:

- D. *In Section C (Standing Committees), add the following as a paragraph following the first paragraph of the section entitled "General Provisions Regarding Committees":*

In addition to the annual report, the chairperson of each ad hoc and standing committee shall submit to the Secretary of the Senate a brief statement of matters currently pending before that committee, and an estimate of the time when final committee action will be taken on each such matter. Such reports shall be submitted not later than the 15th of each month of the academic year (September to May), so that they may be listed on the agenda of the next following regular Senate meeting. It shall also be the responsibility of the chairperson of each ad hoc and standing committee of the Senate to provide the minutes of each meeting of the committee to the Secretary of the Senate.

the Senate to the University President and to the appropriate Administrative officer(s) within 5 days of the Senate action. The appropriate administrative officer, in consultation with the President, shall submit within 30 days a plan and timetable for the implementation of the action to the President of the Senate. In the event that in the administrative officer's judgment the action cannot be implemented then it is the responsibility of the Senate to provide a plan for implementation or to revise the policy in whatever manner is needed so that a feasible plan for implementation is possible.

President Braun noted that Resolution 11, which deals with changes in the Senate Bylaws, would require a 2/3 vote to pass. Senator Mosberg said that Resolution 11A was intended to define "nonfeasance in office" for elected senators, pursuant to a change in the Faculty Constitution which was approved at the April General Faculty meeting. There was no discussion and the following resolution passed, with one opposed:

RESOLVED, that the following changes be adopted in the University Faculty Senate Bylaws:

A. Add to Section I, a new paragraph:

3. That the Senate may function as an effective representative agent of the University Faculty, elected senators shall promptly notify the Secretary of the Senate of any temporary disability to attend regular Senate meetings, or otherwise discharge their responsibilities. Any elected senator's absence from two consecutive regular meetings of the Senate without such notification shall constitute a nonfeasance of the office, and the seat of that senator shall be vacant. The Secretary of the Senate shall immediately notify the senator's unit of the vacancy, which shall be promptly filled by special election in a manner to be provided by the unit. The Secretary of the Senate shall also be responsible to notify units of the need to replace senators disabled from serving by protracted illness, leave of absence, or sabbatical leave.

Senator Mosberg explained that the purpose of 11B was to clarify the duties of the Executive Committee; the present officers of the Senate testified to the necessity of weekly meetings to promote consultation with and input from the members of the Committee and to maintain communication within the Senate and with the Administration. The following resolution was passed unanimously:

B. In Section C (Standing Committees) add the following paragraph to the charge to the Executive Committee:

The Executive Committee shall meet at least once weekly during the academic year (September to May), and shall include on its agenda provision for appropriate written acknowledgment of all proposals, comments, questions, or other memoranda directed to

Senator Mosberg explained that Item 11E would require that committee chairpersons be present in the Senate when items from their committees were on the Agenda. There was no discussion and the following resolution was approved:

- E. *In Section L (Responsibilities and Powers of Officers), add the following paragraph following the one added in C above:*

Reports or recommendations from standing or ad hoc committees of the Senate shall, when included on the agenda for a Senate meeting, identify the chairperson of the committee, who shall be responsible to be present at the meeting, or to provide for the presence of an alternate. In the absence of the sponsoring committee chairperson or alternate, the presiding officer of the Senate shall declare the report or recommendation stricken from the agenda.

Senator Mosberg noted that Item 11F was intended to provide for continuity on the Executive Committee, since under the proposals recently passed it was possible that an Executive Committee would be elected which was entirely composed of non-senators. There was no discussion and the following resolution was unanimously approved:

- F. *Amend Section III, Standing Committee System of the Faculty and its Senate:*

Executive Committee

This Committee shall include the President of the Senate, the Vice President of the Senate, the Secretary of the Senate, and the past President of the Senate.

Senator Mosberg indicated some editorial changes in Resolution 12 and explained that the Resolution was intended to provide an operating procedure when there was serious disagreement between the Senate and the Administration. He noted that the procedure calls for a 2/3 vote of the membership, and would be reserved for very serious disagreements. In response to questions Senator Mosberg noted that the procedure was intended to deal with all proposals to the Senate, whatever their source, and including matters on which the Senate acts only in an advisory capacity. Dean Lippert expressed his feeling that the procedure was one of confrontation which would have the sides "digging in." Senator Mosberg said he felt that it provided an opportunity for communication and compromise. Dean Neale said that he thought the Senate could request a review of a proposal from the President at any time, and that making the procedures obligatory might do damage in a specific problem. President Braun called for the vote and the following Resolution was defeated:

12. *RESOLVED that the Senate adopt and recommend to the President of the University the adoption of the following operating procedures for resolution of conflicts between the Senate and the Administration:*

It shall be adopted as standard procedure in those rare instances where a proposal concerning matters within the purview of the

University Faculty (as specified in the Trustee Bylaws) on which two-thirds or more of the full membership of the Senate shall have voted against the proposal at a regular or special meeting of the Senate, such a proposal shall not be implemented until and unless additional steps as detailed below have been taken:

- a. A full memorandum of the Senate debate leading to the vote shall have been delivered to the President of the University and the appropriate administrative officer(s) by the Secretary of the Senate within 5 days of the vote; and*
- b. The Senate Executive Committee shall have met with the appropriate administrator(s) in an effort to resolve the issue(s); and in the event of failure to do so*
- c. The appropriate administrator(s) and the President of the Senate shall have presented the reasons for continued disagreement to a second meeting of the Senate. If a second vote on the matter opposes it by two-thirds or more of the Senate membership; and*
- d. The Senate position shall be transmitted to the Board of Trustees by the President of the University.*

A motion was introduced, seconded and passed to thank and dismiss the ad hoc Committee on Governance.

Senate Secretary Recke introduced Item B of Old Business and explained that, since the Senate Coordinating Committee on Campus Life had been dissolved by the Senate earlier, this resolution was intended to remove references to it from the bylaws. The following resolution then passed by unanimous voice vote:

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).

Prof. Pikulski, Chairperson of the Coordinating Committee on Education, introduced Item C of Old Business, two related resolutions from his Committee regarding changes in the degrees offered by the College of Agricultural Science. After a brief discussion the following resolutions were approved by unanimous voice vote:

RESOLVED that the Faculty Senate recommends the deletion of the Associate in Applied Science Degree from the offerings of the College of Agricultural Sciences.

RESOLVED that the Faculty Senate approves the offering of the Associate in Science Degree through the College of Agricultural Sciences. Requirements for this degree shall be 60 credit hours, at least 30 of which represent coursework in agriculture and related subjects.

Senator Cicala, chairperson of the ad hoc Committee on Retrenchment, opened the discussion for Item D, Old Business, the report from that Committee. He noted one change in the report--on the 2nd page, 3rd paragraph, line 7, the word "elected" should be deleted (the line should read "a Standing Committee"). Senator Sharnoff asked what was meant by "self-supporting programs" and Senator Cicala explained that the report's proposal to prohibit the establishment or expansion of programs during a state of University-wide financial exigency would not apply to self-supporting programs which did not make use of University funds. Dean Gouldner suggested that the Living-Learning Program and the Freshman Honors program would come under that category, and Senator Sharnoff suggested that the Committee include examples in its statement.

Prof. Geiger, chairperson of the Committee on Faculty Welfare and Privileges, introduced Item G of Old Business, the proposals from that Committee for changes in the Faculty Handbook, with reference to Termination and Nonrenewal Policies. He noted that the Committee had been charged by the Executive Committee to study the issues in the Aumiller case and that the report had originally been introduced in the Senate in that connection at a special meeting in March. At that time the Senate had recommended some changes and had returned the report to the Committee so they could consult with the administration and the Retrenchment Committee. Prof. Geiger described the proposals regarding Terminations as follows: recommendations for 1) a hearing before termination, 2) a two-step, mandatory, procedure and 3) provision for suspension, when appropriate, of a faculty member. To this the Committee had since added: 1) a time specification, 2) a stipulation for counsel only from within the University and 3) a statement that the burden of proof should rest with the party or parties bringing the charges. Under Nonrenewals the Committee had originally recommended the following: 1) prior due process at the department level and 2) presentation to a faculty member of a written statement of reasons for the action. The Committee had also dropped all references in the report to "retrenchment" pending a definition of that term from the Retrenchment Committee, and had restated the process in a more logical order.

At 5:30 the meeting was adjourned, as agreed, for one week.

Second Session

The second session of the May meeting of the University Faculty Senate was called to order at 4:00 on Monday, May 10. Senators not in attendance were:

Lee Anderson	Larry W. Holmes	Blaine G. Schmidt
Catherine Bieber	Edward H. Kerner	James R. Soles
William Boyer	Kenneth Lewis	George Tatum
William S. Gaither	William E. McDaniel	Edward A. Trabant
Rodney J.H. Gray	Daniel C. Neale	Mabel A. Wandelt
Irwin G. Greenfield	John Reynolds	Thomas S. Watson
Robert C. Hodson		

Senators excused: Harry Hutchinson; Charles Marler.

Prof. Geiger continued the discussion of the recommendations from the Committee on Faculty Welfare and Privileges on Terminations and Nonrenewals. Prof. Haskell felt that the time period of 14 days was too short; Prof. Geiger responded that it was implied that the time could be extended. Senator McDonough asked why the advisors had to come from within the University and Prof. Geiger replied that the intent had been to keep the procedure informal and "illegal" and to prevent the intrusion of lawyers. Dean Gouldner asked whether the Committee had debated at any length the question of giving reasons for proposed terminations, and whether the "burden of proof" provision held if the faculty member admitted the transgression as charged. Prof. Geiger responded that he felt the requirement for written reasons reflected current faculty opinion, and said that he did not know whether a confession would "stand up" under the proposal's provisions. Provost Campbell noted that the party would not necessarily be the administration; it could be faculty, charging the administration or another faculty member.

A motion was introduced and seconded to strike the words "from within the University" from the sentence, in paragraph 2 under "Terminations": ". . . and shall be permitted to have advisors of their own choosing from within the University in their presentations." Provost Campbell noted that the proposed procedure was intended to be an internal procedure, and that the introduction of an attorney by one party would result in the use of attorneys by the other party, negating the purpose of the internal procedure and greatly increasing the cost. Prof. Haskell felt that a procedure could not be due process if the charged party were limited in some manner. Prof. Halio pointed out that the procedure did not prohibit the parties from consulting counsel, but only from having counsel present at the proceedings. Pres. Braun called for the vote and the motion to amend was defeated by a hand count.

Pres. Braun then called for a vote on the revisions of the Faculty Handbook, III-N-1, as proposed in the report from the Committee on Faculty Welfare and Privileges; the revisions were approved.

Under Item A of New Business Pres. Braun called for the election of the Senate Executive Committee and others to be elected by the Senate, and the ballots were distributed. (Results of the elections have been announced in a separate memo to the University Community.) The newly elected Senate President, John J. Pikulski, requested that Prof. Braun continue to conduct the meeting, and Pres. Braun introduced Item B of New Business, nominations for and election of a representative to the Governor's Public Higher Education Advisory Commission. He then turned the chair over to Senate Secretary Recke so that he would be able to speak to the issue as a senator. Senator McDonough asked why the nomination for this appointment had come from the Coordinating Committee on Education rather than the Committee on Committees, and Senator Braun responded that the Executive Committee wanted the position to be filled from within a standing committee of the Senate, to insure that the person would report, through the committee, to the Senate; the Coordinating Committee on Education had been chosen because that Committee has oversight over all educational policies within the University. The Committee had then nominated its chairperson, Prof. Pikulski.

Senator Hill nominated Prof. Ralph Kleinman, noting that Prof. Kleinman's experience as a past president of the AAUP qualified him for the position. Senator Braun nominated the incoming chairperson of the Coordinating Committee on Education, ex officio, and said that the person elected should have a mandate to report to the Senate through its committee structure, and not to the AAUP. Prof. Oglesby, President of the AAUP, noted that Prof. Kleinman's current role in the AAUP is as a non-voting advisor to the Steering Committee and as chairman of the Budget Monitoring Committee, but that he is not an officer of the AAUP. She questioned the exclusion of former AAUP Executive Committee members from the position, and added that she saw Prof. Kleinman's nomination as coming from the faculty. Dean Lippert said that, since the Commission is very political and the results could be adverse to the University, the Senate should choose someone who could present a united front with the University President. Senator Kent asked whether the demands of the Senate presidency would make it difficult for Prof. Pikulski to also serve on the Governor's Commission. Prof. Woo suggested that the Senate could pass a resolution making the person elected responsible to the Senate, and supported the nomination of Prof. Kleinman as being someone familiar with the social and political forces in the state. Provost Campbell moved that nominations be closed and the motion was seconded and approved.

Senator Braun moved that whoever was elected report to the Coordinating Committee on Education and, through that Committee to the Senate. The motion was seconded and passed by voice vote. Ballots were distributed and Prof. Kleinman was elected as the faculty representative to the Governor's Public Higher Education Advisory Commission.

Pres. Braun then resumed the chair, and introduced Item C of New Business, the revised charge to the Committee on Faculty Welfare and Privileges, from the Committee on Committees. Prof. Scarpitti, chairperson of the Committee on Committees, asked that this item be moved to the end of the Agenda, since some of the items on the Agenda might affect this one. There were no objections to placing Item C after Item F on the Agenda.

Since Items D and E had been withdrawn earlier, Pres. Braun called on Prof. Geiger, chairperson of the Committee on Faculty Welfare and Privileges, to discuss that Committee's recommendations for the establishment of a Student Grievance Procedure at the University of Delaware. Dean Lippert asked whether the proposed procedure was intended to apply to both undergraduate and graduate students, and whether the Graduate Studies Committee had been consulted. Prof. Geiger said that his Committee had not discussed the procedure with either the Undergraduate or the Graduate Studies Committee, but that they had discussed it with Dr. Mayer, Associate Provost Halio and the Committee on Student Life. Dean Lippert felt that the matter should be deferred for graduate students until proper consultation had been held, and moved that the proposed procedure apply in effect only to undergraduates; the motion was seconded and approved by unanimous voice vote.


Prof. Geiger explained that one reason for assigning the appeals hearing to the Welfare and Privileges Committee was to give them an opportunity to monitor the system and to determine whether it would require a standing committee. Pres. Braun called the question and by unanimous voice vote

the Senate voted to accept and implement the report. Provost Campbell moved that the matter go back to Committee for consideration of the graduate portion of a student grievance procedure; the motion was seconded and passed.

Prof. Scarpitti formally requested that Item C, the revised charge to the Committee on Faculty Welfare and Privileges, be withdrawn in light of the Senate action dealing with the work of that Committee. There were no objections.

Senator McDonough introduced a motion to give a vote of thanks to the outgoing Executive Committee and the motion was approved by acclamation.

The meeting was adjourned at 5:30 p.m.


Marjorie R. Recke, Secretary
University Faculty Senate

MRR/b

Attachment: Announcements