

REGULAR MEETING OF THE UNIVERSITY FACULTY SENATE

April 3 and 10, 1978

MINUTES

First Session

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

T. Stevenson Hansell
James Oliver

Tom Griffith
Donald Crossan

Senators excused: Meribeth Bunch, Alexander Doberenz, Mary Ann Miller.

I. Adoption of the Agenda. President Pikulski asked that Item II, approval of the minutes of 2/13 and 3/6 be dropped because the minutes had not yet been distributed; he then called for approval of the Agenda. Senator Finner moved that Item F be moved up to the first item of New Business; the motion was seconded and approved by unanimous voice vote, and the Agenda was adopted as amended.

III. Remarks by President Trabant. President Trabant opened his remarks with a comparison of this year's applications for admission to the University with the applications a year ago, noting that out-of-state applications were 13% higher, in-state applications were 8% lower, and the average was 4 to 5% higher than last year.

He then stated that, following the procedure announced at last year's commencement, he had received student recommendations, ranked in order of preference, for the 1978 Commencement speaker, and had contacted them in the order given; the first seven on the list had been unable to accept, but the eighth, the Honorable Joseph Biden, Senator from Delaware, had accepted and would be the 1978 Commencement speaker.

President Trabant also reported on an encouraging meeting with some state legislators, and what he felt might be called their possible commitment with regard to the proposed new facilities for the College of Agriculture.

President Trabant concluded his remarks by reminding the Senators of the April 17 General Faculty Meeting at which there will be a panel presentation on desegregation.

IV. Announcements. President Pikulski announced the election of two graduate student senators: Paul Dragos and Michael King. He also announced that President Trabant would forward to the Board of Trustees Committee on Education and Training, without recommendation, the Academic Freedom Statement approved by the Senate at its March meeting.

President Pikulski then read a letter from University Treasurer Harrison asking the Senate to develop a policy on faculty members' selection of texts in which they have a personal financial interest. He then read the response of the Senate Committee on Faculty Welfare and Privileges, in which the Committee stated they did not see the need for such a policy at this time. Treasurer Harrison said that although most faculty members handled the problem well, he was concerned with the potential for criticism and publicity in this issue and he would discuss the matter further with the committee.

V. Old Business.

Item A, a definition of "published works" from the Executive Committee, was reintroduced by Past President Braun, who pointed out that the wording excluded any work that was completed but not accepted for publication. Senator Finner questioned

whether the Senate could vote on the resolution because it violated the charge to the Committee on Promotions and Tenure by imposing criteria on the committee from the outside. The chair ruled that because a body retains the right to supervise its committees, the resolution could be voted on by the Senate.

Senator Tatum objected that work which had been accepted but not published had not been subjected to external evaluation, and that there was no guarantee that such work would in fact be published. There was no further discussion and President Pikulski called for the vote; the resolution, as follows, was approved by a hand vote of 32 for, 22 opposed:

RESOLVED, that the Senate instructs the University Committee on Promotions and Tenure to consider as published works all completed manuscripts accepted for publication.

VI. New Business.

Item F, the report and recommendations of the Ad Hoc Committee on the Implications of the Aumiller Case for the Management of the University, was introduced by Senator Warren, a member of the committee. Senator Warren began with a discussion of the background to the report and of the origin and charge of the committee. He then reviewed the history of the Aumiller case, including the actions of various University faculty groups, the President, and the Board of Trustees, and Judge Schwartz' June 21, 1977 decision in the case. He said the committee had concluded that the consequences of the case on campus and in the courts were: 1) a faculty member had been denied his first amendment rights; 2) the faculty member had been subjected to emotional distress, embarrassment and humiliation as a result of actions by officials of the University; 3) questions had been raised on campus as to the adequacy of existing mechanisms to provide individual faculty members and the institution with fair procedures for taking into account the facts and the opinions and counsel of the appropriate University bodies; 4) the reputation of the University had been damaged in the academic world; 5) at a time of financial exigency a substantial amount of money had been expended by the University in defending its actions.

Senator Warren also noted some actions which had already resulted from the case, including Senate approval of a new Statement on Academic Freedom, a provision in the Collective Bargaining Agreement for timely transmission of Senate action to the Board of Trustees by the University President, and the inclusion of Academic Freedom issues in the grievance procedure.

Senator Warren concluded by describing the procedures which were used by the committee as it responded to its charge, and which had resulted in the committee's report and recommendations.

President Trabant responded that the topic was not a pleasant one for him because it was an emotional one, because he had, in acting on a principle, been judged guilty of attempting to restrict the right of free speech of another individual, and because he had been told that it was part of a hidden agenda and that the real intent was to get a vote of censure on the President. He said that if criticism or censure was the intent it was his opinion that the indirect approach had been taken, and that he endeavored to be direct and straightforward. He made the following direct criticisms of the report: 1) The timing of the report was wrong, since 15 months had gone by since his decision that he would not sign a contract for Mr. Aumiller, and he added

that in that time there had been several meetings of committees of the Board at which faculty members had been present but had never expressed faculty concern over this issue; 2) He had never been consulted during the preparation of the report, either from curiosity or courtesy, although he felt that he was an important source of information on the topic; 3) Although the resolutions in the report were on matters of interest to the University the committee had not consulted with him, the Provost, the Chairman of the Board, or with the boards of any other institutions, and the homework behind the report was therefore indirect and incomplete. President Trabant concluded his criticisms by saying that he felt that the use of the judge's opinion as supportive evidence for the report to the Senate both raised a question of double jeopardy and was not appropriate.

President Trabant made the following points of clarification: 1) When he made his decision he had believed that an individual was using the University to achieve a personal objective and as President he had acted on principle and had not considered his decision to be illegal. He had believed that if an environment were created on campus with which Delawareans did not wish to be associated they would be denied a right to their only university; 2) The court verdict had been a reaffirmation and possibly an extension of the right of free speech and would prevent anyone from doing the same thing again; 3) Line 4 of the report was not true; he had not shown a "shocking disregard," since he had met with various University committees, he had supplied written materials and he was participating in the Senate discussion; 4) The University had not paid the legal fees involved because they were covered by insurance; 5) Lines 8 and 9 of the report were incorrect because he had not felt his action to be illegal; 6) He had studied the reports of the various committees but he had not found enough evidence in them to change his mind; 7) In paragraph 2, lines 9, 10 and 11, the committee had erred in not including the entire quotation, because he had had no plan of action in mind and never intended that something illegal would be done; 8) In paragraph 2, third line from the bottom, the committee erred in not having consulted with the Chairman of the Board to obtain the needed evidence.

President Trabant then directed his comments to the resolutions in the report. Regarding Resolution 1, he said it might open the door to unnecessary interference in the affairs of the University. He also said it was unnecessary because the President always forwards such matters to the Board and its committees, and the members of the faculty who attended most committee meetings were afforded the opportunity to bring things to the Board. Regarding Resolution 2, President Trabant said that evaluations for deans are already in place, and that Directors, Vice Presidents and the Provost are evaluated by the President and the Board of Trustees through COPE. He also said he had no enthusiasm for giving Vice Presidents the security of 5-year contracts and in his own case, since he served at the pleasure of the Board, he would find the concept of a 5-year contract a comforting one.

President Trabant concluded his remarks by saying that he would leave the meeting at this point so the senators could discuss the matter and vote as they saw best.

Senator Boyer then addressed the Senate and recommended that it reject the report and its recommendations. He said that since the President is responsible to the Board of Trustees, the Board must share the responsibility, and the resolutions were therefore misdirected and unwise. He concluded by calling for an end to recriminations and asked for the re-establishment of mutual trust and confidence.

Senator Finner asked that a member of the committee respond, and Senator Warren said that the report had not been an indirect means of getting a vote of censure, but had been an attempt to establish a means of reducing the likelihood of such events happening again, and the committee had been concerned with procedures and structures rather than individuals.

Senator Kerner said he felt the committee had come up with something constructive and that it was important for the faculty and the Senate to act so that a few people could not violate individual rights and tarnish the image of the University, and that Resolution 1 answered to this point in a very thoughtful way. He said that Resolution 2 should be corrected for the technical points that had been raised by the President, but that the concept of calling for periodic review was sound.

Senator Braun said he felt the report was timely since the judge's decision had not been made until June 21, 1977. He also said that faculty members did not feel free to speak at the Board's committee meetings, but that the faculty had made direct and forceful expressions of its opinion through the opinions of the many committees which had considered the Aumiller case and through various actions taken by the Senate.

Provost Campbell disagreed and said that at every meeting of the Board's committees the chairman asked the faculty members present if there was anything they wished to bring to the attention of the committee.

Dean Brown noted that under the new collective bargaining agreement matters of academic freedom were now grievable, and that a grievance at the presidential level could now be taken to binding arbitration; he said he thought that kind of response spoke directly to the problem, and he was leery of a situation where Board members felt they could come into the daily workings of the faculty.

Professor Kleinman said that the second resolution was in keeping with the AAUP policy on review and evaluation. Senator Sharnoff noted that the committee had felt that the problems of communication were not restricted to matters of Academic Freedom such as were covered by the Collective Bargaining Agreement. Senator Warter said he felt the first resolution would force a confrontation situation and he would prefer to find a way to improve communications and harmony.

Senator Finner asked for comment from Professor Woo, a member of the Board of Trustees. Professor Woo said that he did not feel that the fear that the Board would come into the daily operations of the University was justified, and he said the faculty should have the courage of its convictions. He also said that Professor Boyer had implied that President Trabant was ordered to act, but that the president could have acted independently and refused.

In response to a question from Dean Greenfield about the meaning of a "2/3 vote of a quorum of the Senate" in Resolution 1, Senator Sharnoff said the committee had intended it to be a 2/3 vote of the senators when a quorum was present. This was accepted as an editorial change.

In response to a request from Senator Warter the chair agreed to consider Item F in 3 actions--Resolutions 1 and 2 within the report separately, and a third action on accepting the report.

Provost Campbell requested a roll call vote on Resolution 1; there was an objection and when put to a vote the request was defeated, 22 opposed, 21 for.

A motion was made and seconded to table Item F for one week; the motion was defeated by a voice vote.

President Pikulski called for the vote on Resolution 1 of the report and the resolution as follows was approved by a hand vote of 34 for, 15 against, with 2 abstentions.

RESOLVED, that the University Faculty Senate recommends that the following provision be added to Chapter 2, Section II-E of the Trustee Bylaws:

On such matters as the faculty deems to be of unusually great import, and for which the faculty has reason to believe that its collective view is significantly at variance with that of the President, the University Faculty Senate shall have the privilege of transmitting its position directly to the entire Board of Trustees. It shall also be provided the opportunity of participating in discussion of the matter before a plenary meeting of the Board or of one of its appropriate standing committees.

A decision for direct referral of its recommendations to the Board shall require a 2/3 vote of the Senate when a quorum is present. For the presentation of its views before the Board, the Executive Committee of the Senate shall select appropriate faculty members.

Provost Campbell requested a roll-call vote on Resolution 2 of the report; there was no objection. Senator Kerner moved that, to avoid legislating the term of office, the resolution be amended to read:

RESOLVED, that . . . all administrative officers shall be reviewed in the fifth year in office.

The motion was seconded. Senator Finner pointed out that this was inconsistent with the next line of the resolution. A motion was made and seconded to table the resolution; the motion failed by a voice vote. Provost Campbell pointed out that the resolution called for evaluation of deans and that a process for such evaluation had been in place since 1975. Senator Finner moved that action on Item F and the remainder of the Agenda be postponed for one week; the motion was seconded and approved by voice vote.

The meeting was declared adjourned, for one week, at 6:00 p.m.

Second Session

The second session of the regular April meeting of the University Faculty Senate was called to order at 4:00 on April 10, with President Pikulski presiding. Senators not in attendance were:

C. Harold Brown	Deborah Kliman
Donald Crossan	Billy Ross
Ivo Dominguez	Francis Tannian
Paul Dragos	George Tatum
Rodney Gray	Tom Griffith

Senators excused: David Barlow, Eric Brucker, Laurence Kalkstein, Charles Marler, Blaine Schmidt, Edward Trabant, Robert Warren.

President Pikulski announced that Resolution 2 of the Report of the Ad Hoc Committee on the Implications of the Aumiller Case for the Management of the University had been rewritten; copies were distributed. Senator Kerner withdrew his motion to amend the original resolution in favor of the substitute resolution. President Pikulski asked to move to consideration of the substitute resolution and there was no objection.

A motion was made and seconded to replace the word "during" (Line 6) with "no less frequently than," to provide for more frequent review if needed. Senator Finner noted that without this change the reviews would be self-initiating, but that if the amendment were adopted there would need to be a mechanism for initiating the reviews. President Pikulski called for the vote and the motion to amend was defeated.

Senator Leavens asked whether the existing procedure for evaluation of deans was a peer review process and Provost Campbell said it was not, because it called for faculty participation.

Senator Boyer asked what was meant by "all administrative officers with major responsibilities for academic programs and policies" and whether that would include, for example, the directors of Continuing Education and Physical Education, and associate and assistant deans, etc. Senator Hutchinson said that that was not the intent of the committee.

In response to a question about the frequency of evaluation Senator Sharnoff said that the resolution would require a broad review at least every 5 years, but that other processes could be initiated at any time.

Senator Palmer asked what the proposed process would do that COPE does not already do. Senator Hutchinson answered that it calls for the evaluation of individuals, whereas COPE reviews programs. The chair recognized Professor Schweizer, Chairperson of COPE, who read the charge of the COPE committee (Senate Bill 105, May 7, 1973, Res. 14) and reviewed the history of the committee. He said that although the COPE charge excluded the President's office, evaluations of other administrative offices, including two colleges to date, had told them something about the competence with which the offices were operated. Professor Schweizer said that if the proposed resolution were adopted it would be necessary for the Senate to review the COPE document and he felt that since COPE is the first review committee to have faculty participation it would be a mistake to "take it apart." Senator Hutchinson asked if the current procedures for evaluating deans had the same relationship to COPE, and whether they should be abolished if COPE continues; Professor Schweizer referred the question to Provost Campbell, who said he did not see that the procedures were inconsistent with what COPE does. Senator Shurtleff asked if COPE anticipated evaluating every office and officer except the President, and Professor Schweizer replied that that was his anticipation.

Senator Sharnoff, responding to Senator Boyer's earlier question, said that because the University Charter and Bylaws (Chapter 2, II-C, 1.2.3., p. 25) charge the faculty with responsibility for the government and discipline of the student body and for the establishment of academic curricula and extra-course education of students, the committee had felt it was within the purview of the faculty to recommend evaluation of the officers who carried out those policies. Dean Gouldner asked what the purpose of the evaluations was, and Senator Sharnoff replied that it was analagous to tenured faculty reviews.

Senator Finner noted that the vice presidents and the Provost serve at the pleasure of the President, and he asked why the resolution called for those evaluations to be made available to the Board of Trustees as well. He made a motion, which was seconded, to amend the resolution by deleting "and members of the Board of Trustees" so that the sentence would read:

Evaluations of the Vice Presidents and the Provost shall be made available to the President.

The amendment was approved by voice vote.

In response to a question about the existing procedures for the evaluation of deans, Senator Sharnoff outlined the procedures and added that deans had been included in the resolution because there was no requirement in the existing procedures that the evaluations be carried out. Provost Campbell said that at present the reviews could be initiated by the President, the Provost, the dean, or by petition of a simple majority of a college faculty.

President Pikulski called for the vote on resolution 2, as amended; Provost Campbell withdrew his motion for a roll-call vote, and the following was approved by voice vote:

RESOLVED, that the University Faculty Senate recommends that, as is currently the case for chairpersons and program directors, all administrative officers with major responsibilities for academic programs and policies, including Deans, the Vice President for Student Affairs and Administration, the Provost and Vice President for Academic Affairs, and the President, shall undergo a major evaluation of their performance during every fifth year that they have served in office. Existing procedures shall be used for the evaluation of Deans. Committees evaluating other administrative officers shall consist of six persons, three of whom shall be directly appointed by the Board of Trustees and three of whom shall be nominated by the University Faculty Senate upon recommendation of its Executive Committee, and be appointed by the Board of Trustees. Evaluations of the Vice Presidents and the Provost shall be made available to the President. Evaluations of the President shall be made available to members of the Board of Trustees. These evaluations shall begin at the earliest possible date.*

**"Evaluation of Performance of Deans," March 10, 1975*

President Pikulski moved to the second resolution of Agenda Item F. Senator Leavens made a motion, which was seconded, to change the word "accepts" to "receives." In the discussion which followed Parliamentarian Barnhill said that "accepts" meant the Senate adopted the report as its own, and "receives" meant that the report came from the committee only and not from the Senate. A show-of-hands vote resulted in a tie vote, 24 for the amendment and 24 opposed. President Pikulski broke the tie by voting "no," and the amendment was rejected. There was no further discussion and the original resolution, as follows, was approved by voice vote:

RESOLVED, that the Faculty Senate accepts the report of the Ad Hoc Committee on the Implications of the Aumiller Case for the Management of the University, and dismisses the Committee.

Having completed Item F, President Pikulski returned to the original order of the Agenda. Dean Greenfield questioned the applicability of Item A, regarding the declaration of undergraduate majors, for colleges that did not permit undeclared majors. No representative of the committee was present to respond and President Pikulski ruled that the item could not be voted on and would be returned to the committee.

Item B, request for approval of a minor in Chemistry, was introduced. There was no discussion and the following was approved by unanimous voice vote:

RESOLVED, that the Faculty Senate approves the establishment of a minor in Chemistry. Requirements for that degree are as follows:

- I. Eight credits in General Chemistry (either C-103/104 or C111/112/119);*
- II. Three courses chosen from any of the five following groups:*
 - 1. C-220 Quantitative Analysis I or
C-437 Instrumental Analysis (4 credits)
or*
 - 2. C-331/333 Organic Chemistry, with Laboratory (4 credits)
or*
 - 3. C-351/352 Inorganic Chemistry, with Laboratory (4 credits)
or*
 - 4. C417/418 or C-443/445 Physical Chemistry, with Laboratory (4 credits)
or*
 - 5. C-427 or C-441 Biochemistry (3 credits) .*

A minimum of 19 credits is required for completion of a minor in Chemistry.

Item C was introduced; there was no discussion and the following was approved by unanimous voice vote:

RESOLVED, that the Committee on Undergraduate Studies is empowered by the Faculty Senate to review and approve or disapprove proposals to establish minors. All such actions shall be reported to the Senate which shall retain the power to review and possibly revise or revoke such actions.

Item D, as follows, was also approved by unanimous voice vote, with no discussion:

RESOLVED, that the Faculty Senate approves the following:

All policies that were part of the College of Graduate Studies and which are within the purview of the Faculty Senate will remain in effect unless changes are approved by the Committee on Graduate Studies and appropriately either announced to or approved by the Senate. The Executive Committee shall determine when an item requires Senate approval. The Senate retains the right to revise or revoke changes approved by the Committee on Graduate Studies.

Item E, a recommendation from the Coordinating Committee on Education for approval of graduate degrees in Operations Research (as given in Attachment 1 of the Agenda) was introduced by Professor Kwart, chairperson of the Graduate Studies Committee which had reviewed the proposal. Prof. Kwart submitted 4 revisions to the proposal (Attachment 1) and President Pikulski read the first revision, regarding admission to the program. In the discussion that followed Professor Kwart explained that the revision made the admission procedure consistent with that of other graduate programs, and that a student could be admitted to graduate study in one of the participating departments without being admitted to the OR program. A motion was made and seconded to table the resolution; the motion was defeated.

In response to questions from Senator Lou, Professor Kwart said that the Graduate Committee did not think there was any conflict with the existing program in Applied Science, and explained that the provision for admission to graduate study by the OR committee was necessary because some of the participating departments did not offer graduate degrees. Several questions were raised about the program's definition and scope, and the need for the program. Professor Kwart responded that there had already been an open hearing on the proposal and that it had undergone outside evaluation. Professors Ben-Israel and Stark said that the intent was to integrate several sources on campus into a well-defined program, that such OR programs existed on many other campuses, and that there was employment for graduates of the program.

President Pikulski read the rest of the revisions, which were accepted, and after a brief discussion the following was approved by voice vote:

RESOLVED, that the Faculty Senate approves the establishment of programs leading to the degrees of Master of Science and Doctor of Philosophy in Operations Research as provisional programs pending evaluation in the fourth year.

There was no further business and the meeting was adjourned at 5:30 p.m.

Respectfully submitted,



Judy Van Name
Secretary
University Faculty Senate

JVN/b

Attachment: Revisions of the Operations Research Program Proposal

(Note: The Operations Research Program as approved by the Senate is available from the Senate Office.)

Revisions of the Proposal for a Graduate Program in Operations Research which was distributed with the Agenda for the April, 1978 Senate meeting.

1. To replace paragraph 4 on page 1:

ADMISSIONS. Students apply for admission to the academic unit participating in the OR Program in the prescribed manner, stating interest in an OR degree. If accepted by the University, the student's credentials will be forwarded to the OR Committee for admission to the program, either at the time of matriculation or subsequently.

2. To replace paragraph 6 on page 1:

The OR Committee will be responsible for setting standards of selection and retention of students and faculty in the program, establishing and supervising the academic programs of students and setting the requirements for degrees in conjunction with the participating academic units, subject to the approval of the Senate Committee on Graduate Studies.

3. To replace paragraph 1 on page 2:

DEGREE REQUIREMENTS. In addition to meeting all University requirements, students must meet those requirements jointly established by the student's advisory committee and the OR Committee.

4. To replace paragraph 3 on page 2:

Work towards the Doctoral degree in OR should be approximately equally divided among the supporting mathematical sciences, the student's subject area, and the dissertation. One year in residence and a minimum of nine dissertation and/or research credits are required.