

REGULAR MEETING OF THE UNIVERSITY FACULTY SENATE

November 6, 1978

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

Edith Anderson	Donald Crossan	Billy Ross
Dale Buckmaster	Charles Marler	Thomas Watson
John S. Crawford	Joseph Noggle	

Senators excused were: David Barlow, Alexander Doberenz, Lee Hyncik, Allen Morehart, Elliott Schreiber, Walter Vincent, T.W.F. Russell.

I. Adoption of the Agenda. President Kleinman requested that Item VI-A, the confirmation of committee appointments, be inserted between Items IV and V; there were no objections and the Agenda was adopted with this revision.

II. Approval of the Minutes. Secretary Sasser said that Prof. Henry Tingey had been incorrectly listed as absent from the last two Senate meetings; he explained that, because of a change in departments, Prof. Tingey was not a Senator and was therefore not responsible for being present, and he asked that the record be corrected. There were no other changes and the Minutes were approved with that correction.

Secretary Sasser also noted that Item V-A as printed on the Agenda distributed earlier was incomplete, and that a corrected version was being distributed at the meeting.

III. Remarks by President Trabant. President Trabant said that his meeting with the Class of 1938, as part of the University's Homecoming, had proved to be a valuable experience, and he encouraged faculty members to participate in Alumni Day and Homecoming events.

President Trabant also briefly reviewed the recent presentation of the University's funding request for next year to the State Director of the Budget. He suggested that it might be worth the Senate's time to ask Provost Campbell and Mr. Graziano to go over the request at a Senate meeting, and said he believed it would help the University if the Faculty Senate were well informed as the process of State funding requests continued.

President Trabant's last topic concerned his planned "State of the University" report. He said that about 100 letters had gone out to individuals in all areas of the University community asking them to comment on one or more of the following areas: 1) Undergraduate admissions policies and practices; 2) Employee relations; 3) Financing for the University; and 4) Physical plant. He added that individuals were free to comment on any of the areas, and that anyone who wished to receive a letter requesting comment should contact his office. He said that his requests for comments had been sent to many Senate committees and he planned to call together those who contributed comments, either at a regular Senate session or a special hearing on campus. He described the "State of the University" report as a supplement to the Annual Report of the President, and said he planned it to be on-going, although the topics would change. He concluded with a quotation from Charles Frankel, and urged the Senate to schedule at least one session on the Report.

Senate President Kleinman responded that when the reports of the various committees came to the Executive Committee he imagined that at least one session would be devoted to their consideration. President Trabant replied that he hoped the Senate session would involve not just examination of the Senate committee reports, but the input from the entire University community.

Item VI-A, a request from the Committee on Committees for confirmation of committee appointments, was then introduced per the revised Agenda. Prof. Settles, chair of the Committee, added two appointments to the list published in the Agenda. President Kleinman called for discussion, and Senator Warter stated that, although he was not opposed to confirmation of the appointees, he thought the Senate ought to look into the general question of appointing a person with a specific job responsibility to chair a related Senate committee. Pres. Kleinman responded that although at present no one is excluded by virtue of office from holding any committee membership, he appreciated the point and was sure it would be raised and discussed again.

There was no further discussion and the following appointments were confirmed by unanimous voice vote:

<i>Cultural Activities & Public Events</i>	<i>D. Lamb, member and chair</i>
<i>Educational Innovation & Planning</i>	<i>J. Hurt, chair</i>
<i>Faculty Welfare and Privileges</i>	<i>R. Martin, member (to replace M. Tripp) and chair</i>
<i>Student and Faculty Honors</i>	<i>C. Pleass, member (Marine Studies)</i>
<i>Undergraduate Records & Certification</i>	<i>R. Mayer, chair</i>

V. Old Business

Item A, a resolution to recommend a change in the Trustee Bylaws, was presented for discussion and action by President Kleinman for the Executive Committee. He reviewed the background to the resolution and called for discussion. Senator Warter proposed an amendment, copies of which were distributed, to change the first sentence of the Bylaws in the resolution to read:

On such matters that the faculty deems to be of unusually great import to the University, and for which the faculty is concerned that the unique perspective of the faculty may not be adequately represented in Trustee discussions, the University Faculty Senate shall have the privilege of transmitting its position directly to the entire Board of Trustees.

Senator Warter said that he favored more faculty input, but he felt the procedures called for in the resolution would tend to solidify faculty opinion in opposition to the president. He said his amendment, by removing the specific reference to the president, had the affect of broadening the proposed procedure, and that his amendment addressed the issue "what is the faculty opinion and the faculty concern" rather than "does the president agree with us."

Dean Gaither said that if the intent of the resolution was not to imply a rebuke of the president or to raise points of controversy, but to communicate satisfactorily with the Trustees and to convince them to adopt a faculty point of view, then it appeared to him that the faculty should use the opportunities for communication discussed in the recent exchange of letters between the Senate and Dr. Lenher regarding faculty participation in Trustee committee meetings. He made a motion, which was seconded, to table the resolution for a one-year period so the Senate could develop procedures to implement existing relationships. President Trabant said that, because of a conflict of interest, he would abstain from voting.

As a point of information, President Kleinman read the exchange of letters referred to, and noted that the Board committees had continued their practice of public and private sessions. Senator Braun asked whether faculty members receive a complete docket, and President Trabant responded that, with the exception of those matters con-

sidered appropriate to the executive session of the Board, they received the complete docket. He said that any matters were excluded where it was felt disclosure would be a violation of the federal privacy act, and added that that would be true under any circumstances, and therefore each body would retain its privilege of executive session.

President Kleinman called for a hand vote on Dean Gaither's motion to table the resolution for one year. The motion was defeated.

The Senate then returned to discussion of Senator Warter's proposal to amend, which was moved and seconded. Senator Finner opposed the amendment because it represented a change in intent. Senator Warren, a member of the ad hoc committee which drew up the resolution, agreed that the committee had addressed only the situation in which, because of structural arrangements, the faculty's position could not be directed to the Board at the time they considered an action recommended by the president, and it had been the committee's intent to provide a procedure for direct transmission in that specific situation.

President Trabant said he believed the Warter amendment was a much stronger faculty document, since under the original resolution a president could simply state that there was no significant variance in the positions of the president and the faculty if the president wished to bar use of the procedure. Senator Oliver noted that, notwithstanding the position a president might take, the proposed procedure would be invoked for matters "for which the faculty has reason to believe" there is a significant variance.

Senator Fletcher suggested that Senator Warter's amendment could be amended by dropping the phrase "and for which the faculty is concerned that the unique perspective of the faculty may not be adequately represented in Trustee discussions"; Senator Braun so moved, and it was seconded. Senator Sharnoff, also a member of the ad hoc committee which wrote the resolution, responded that the Trustee Bylaws already provided for the transmission of faculty opinion to the Board except in the special circumstance addressed by the original resolution, and that the committee had tried to make as minimal an alteration as possible, with the hope that the procedure might never be needed. Dean Gouldner suggested that the broader the resolution became the more chance there was of not having a cushion between the Board and the faculty and the more likely it was that the procedure could be reversed, leading to more direct interference by the Board of Trustees with the faculty. Senator Warren responded that the proposed resolution did not open that up beyond what exists at the present time, and Senator Geiger added that except for the special crisis situation no new or additional procedures were necessary.

Senator Finner moved the previous question, and this was seconded; President Kleinman called for a hand vote and Senator Braun's motion to amend Senator Warter's amendment failed.

Senator Schweizer made a motion, which was seconded, to call the question on the Warter amendment; President Kleinman called for a hand vote and the Warter amendment was defeated.

President Kleinman called for discussion of the original resolution. Senator Boyer said he felt the resolution was misdirected because the president serves as the agent of the Board and the resolution should therefore be directed at the Board.

Senator Braun moved the previous question and this was seconded; President Kleinman called for a hand vote, and the motion for the previous question carried.

Senator Finner requested a roll call vote; the request carried by a hand vote, and the Senate Secretary was directed to read the roll. The resolution, as follows, was approved, 39 for, 10 opposed:

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.

The vote was as follows:

<u>Aye</u>		<u>Opposed</u>
Agnello, R.J.	Leavens, P.G.	Boyer, W.W.
Benner, M.P.	Mangone G.	Brucker, E.
Braun, T.E.D.	McCourt, A.A.	Gaither, W.
Bunch, M.A.	Miller, M.A.	Gouldner, H.
Campbell, L.L.	Neikirk, H.D.	Hall, H.B.
Carroll, R.B.	Newman, F.B.	Howard, R.E.
Church, T.M.	Oliver, J.	Kelly, B.J.
Davidson, J.L.	Rich, D.	Morse, J.N.
Dominguez, I.	Roth, R.R.	Warter, P.J.
Dragos, P.	Sasser, M.	Worthen, J.
Finner, S.L.	Schmidt, B.G.	
Fletcher, W.A.	Schultz, J.M.	
Gaertner, S.	Schweizer, E.E.	
Garvine, R.W.	Sharnoff, M.	
Geiger, R.G.	Summerton, J.	
Hallenbeck, D.J.	Tannian, F.X.	
Holsoe, S.E.	Ulrich, R.S.	
King, M.	Van Camp, S.	
Klinzing, D.G.	Warren, R.	
Lamb, D.		

Item B, a recommendation from the Executive Committee for adoption of the report of the ad hoc committee on Early Retirement, was introduced by President Kleinman, and a one-page summary of the report was distributed. In a discussion of the amount of money that could be earned by a retiree, Vice President Brown noted that present policy says that University employees cannot work for another university; Prof. Wriston, chair of the ad hoc committee, responded that he did not think a retiree would be considered an employee, and he thought that in any case restrictions on outside earnings would be unenforceable. Senator Mangone raised the problem of "double dippers" and Prof. Wriston noted that the committee report called for a longer period of service than was required by the federal government. Senator Mangone also noted that the length of service

requirement might make it difficult to recruit older, highly qualified faculty members, since they would be ineligible for retirement benefits, and Vice President Brown added that, under the collective bargaining agreement and federal laws it would not be possible to make individual contractual arrangements in such cases. Senator Leavens moved the previous question; this was seconded, and the motion was approved by unanimous voice vote. The following resolution was then approved by unanimous voice vote:

*RESOLVED, that the Faculty Senate adopts the Report
of the Ad Hoc Committee on Early Retirement.*

A brief discussion followed regarding provision for faculty who wished to retire late, and Prof. Wriston said that the State of Delaware had already adopted such a proposal and he anticipated that the University would adopt the same proposal so that all employees would be treated the same.

Senator Newman requested that item VI-B be considered next, and the request was approved by unanimous voice vote. Prof. Pigford, a faculty member of the Committee on Honorary Degrees of the Board of Trustees, presented a recommendation for Senate approval for awarding an honorary degree of Doctor of Science to Dr. Daniel Nathan at the next commencement exercises. A motion to approve the recommendation was made and seconded, and the recommendation was approved by unanimous voice vote.

Item C of Old Business, a request for confirmation which had been returned to the Committee on Committees at the October Senate meeting, was introduced by Prof. Bonner for the Committee. Senator Finner made a motion, which was seconded, to call the question; the motion carried by voice vote. The following appointment was then confirmed by voice vote:

Computer Committee

*F. Hofstetter, member (replacing D. Lamb)
and chair*

There was no further business and a motion for adjournment was approved at 5:35 p.m.

Respectfully submitted,

Myron Sasser

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Secretary
University Faculty Senate