

REGULAR MEETING OF THE UNIVERSITY FACULTY SENATE

April 7, 1986

MINUTES

The regular meeting of the University Faculty Senate was called to order on Monday, April 7, 1986, at 4:00 p.m., with Vice-President Callahan presiding.

Senators not in attendance were: Virginia Ahrens, Donald Crossan, Mark Huddleston, Byron Pipes, Robert Sheridan

Senators Excused were: David Ames, Norman Brown, Dewey Caron, Todd Christie, Alexander Doberenz, Helen Gouldner, Robert Hampel, Frank Murray, Linda Pellecchia, E. A. Trabant, Conrad Trumbore, Leland Craig Wilson and James R. Soles, President

I. ADOPTION OF THE AGENDA

As there were no corrections, the agenda was adopted as printed.

II. APPROVAL OF THE MINUTES

As there were no objections, the minutes of March 3, 1986 were approved as printed.

III. REMARKS BY PRESIDENT TRABANT and/or PROVOST CAMPBELL

Neither President Trabant (excused) nor Provost Campbell had remarks to make to the Senate.

IV. ANNOUNCEMENTS

Vice-President Callahan thanked the outgoing senators for their work on behalf of the Senate and Executive Committee, and reminded them to ask their departments to contact the Faculty Senate Office with the name of their replacement who will be seated at the May meeting.

ANNOUNCEMENTS FOR CHALLENGE

As there were no challenges, the following were approved:

1. Change in the name of the graduate major from Mathematical Sciences to Mathematics (Attachment 1);

2. Revision of existing major in American Studies (Attachment 2);
3. Proposed changes in the professional education component for various Arts and Sciences education curricula (Attachment 3).

Chairperson Robert Brown of the Committee on Undergraduate Studies noted that a sentence had been omitted from the summary sheet describing the change in professional education credit totals, which should have stated that there will be a net reduction of three professional education credits in the Language Education curricula.

V. OLD BUSINESS

Vice-President Callahan noted that the report requested at the last meeting from the Library Committee on Senator Morgan's motion concerning photocopying services in Morris Library will be on the May Senate agenda.

Dr. Callahan explained to the Senate that there was considerable sentiment for studying the University of Delaware's tenure policy during the spring of 1985. President Soles appointed the Select Committee on Tenure Policy last fall, with the intention that they would bring their report to the Senate for discussion after which the Senate might refer it to its Committee on Welfare and Privileges to be amended as necessary and brought back to the Senate in the future as a formal resolution. Discussion was not preliminary to an immediate Senate vote.

Chairperson Carol Hoffecker of the Select Committee on Tenure Policy noted that the committee members were Lou Mosberg, Donald Puglisi, Carl Toensmeyer, Barbara Settles, and Carol Hoffecker, who met for the purpose of studying the University's present termination policy as found in the Faculty Handbook (Item N1, page III), and to make recommendations for the Senate to consider. Her committee wrote to several leading American universities to procure copies of their termination policies to compare with our own, and then wrote the report (Attachment 4).

The report represents a compilation of ideas from various documents rather than a consensus of the committee, listed under ten numbered paragraphs. The sentence underlined in paragraph 1 is an addition to the present policy statement, added as a reminder that tenure exists to protect the faculty members' rights to pursue knowledge and truth in their professional research, study and teaching without fear of termination should their findings lead to unpopular conclusions. Added were a few "or hers" to equalize the genders and sharpen the meaning of incompetence to professional incompetence.

Paragraph 2, in brackets, recommends that the Senate Committee on Faculty Welfare and Privileges consider replacing the negative strictures with positive behavioral patterns expected of all faculty as does UCLA.

Paragraph 3 concerns actual tenure termination policy, which must protect both faculty rights and the community. Charges should be brought against undesirable faculty members by the President of the University, and the charges must be specifically stated. A major procedural change is their suggestion that the President have an informal conference with the person about to be charged which might lead to a resolution of the problem. If it does not, the President should submit the charges to the department to act as a kind of grand jury on the matter, as stated in paragraph 4. If the department believed the charges were insubstantial, the President could appeal to the Senate Committee on Promotions and Tenure.

In paragraph 5, they suggested a hearing board different from the present one, which is the Faculty Welfare and Privileges Committee, as it may not be fully representative of the University in the view of the University President. Besides, the Committee has non-tenured members.

Paragraph 6 simply clarifies some of the existing procedures, although they also suggest that in charges of professional incompetence that testimony of witnesses from other universities be used. Paragraph 7 restates current policy. Paragraph 8 leads to the final two steps of paragraph 9, binding arbitration or a hearing before the University Board of Trustees. A faculty member who agrees to binding arbitration gives up his or her right to sue in court.

Senator David Schulz suggested that attorneys be excluded from the process to cut costs and maintain the integrity of the internal University process. Dr. Hoffecker agreed that her committee wished to save the University from court proceedings if possible, though there may be times when litigation can be avoided in the long run by allowing attorneys in a hearing.

Senator Bertram Levin questioned whether any President of the University could be knowledgeable about the relative competence of an individual faculty member when there is such a diversity of fields. Also, there may be instances when the President does not know of faculty engaged in unprofessional conduct but for which charges should be brought. Dr. Hoffecker suggested "The President or his or her designee" as a possible wording, referring to other members of the administration from the Dean level on up. Senator Levin reiterated that primary information about faculty misconduct would likely come from colleagues or departmental chairmen or Deans, and noted that the complaint procedures in these cases would be in effect a complaint to the President, not by the President. We need explicit attention to this procedure, he said. Dr. Hoffecker replied that any faculty member would have to present the case to the Dean and convince the Provost and President before action could take place.

Senator Robert Smith noted the problem of having the person bringing charges also providing the evidence, and that maybe we should have another university send an objective delegate. Dr. Hoffecker agreed that there is a potential problem with the procedure, but that

her committee believed their procedure forced administrators at least to use experts in the faculty member's field. Faculty members charged could also bring in their own experts.

Senator Jan Blits believed it unfortunate to limit incompetence to research, to which Dr. Hoffecker replied that students would be the best judges of negligent classroom behavior by professors.

Provost L. Leon Campbell stated that he believed the committee had confused policy with procedures that ought to be clearly separated if we were to have a sensible debate. Policies state principles in which procedures are developed, but we have been discussing procedures most of the time. There is an internal inconsistency in some of the procedures. Professional incompetence charges are normally brought up by department peers, but how can they then have the President bring charges and try to evaluate whether or not the grounds upon which they ask him to bring charges are legitimate? Charges will more likely be a mix of classroom and other issues that concern professional competency. Dr. Campbell frankly did not believe the documents the committee brought forward will get the Senate very far because of the fundamental flaw in a design that mixes procedures and policies.

In reply to Senator Smith's query, Dr. Hoffecker stated that a professor could go to binding arbitration or a hearing before the Board of Trustees only if there is a disagreement between the President and the hearing panel, and that the professor being charged would have recourse to the courts if the Trustees heard the case. Senator Elaine Safer then asked whether it would not be wise for the hearing committee to have access to an attorney so as to have enough legal knowledge to follow a quasi legal procedure. Therefore, the University should provide lawyers to the hearing committee, she said.

Senator David Bellamy stated that he believed Provost Campbell's statements about confusing policy and procedure were overdrawn, as the first two paragraphs concern policy and the rest concern procedure. There is a need to expand the two paragraphs on policy in order to allow a clear code of conduct. Dr. Hoffecker replied that the committee used the UCLA Code of Conduct as their model, the only one they found, which they will give to the Committee on Faculty Welfare and Privileges. Senator Edward Schweizer did not wish the committee to specify in detail the code of conduct as that would cause as much trouble as not making it specific enough. Dr. Hoffecker suggested a "Swiss cheese with holes."

Senator Peter Jeffrey asked who determines how and when a faculty member should be excluded from campus. Dr. Hoffecker read the current policy, that "In the case of proposed termination for moral turpitude, faculty members may be temporarily suspended 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 until the final decision is rendered." Dr. Hoffecker read on that "The President may place the faculty member on

temporary suspension with pay pending the outcome of the case only if the faculty member may be a danger to himself or herself or to other members of the University community."

In response to Senator Jeffrey, Dr. Hoffecker stated that the University President had to decide whether or not the person was a danger to the University community, because there must be some final authority at the University on the matter. Senator Schulz suggested that the committee think about a clearer definition of danger. Dr. Hoffecker replied that normally it is a physical danger.

Senator Gordon Bonner cautioned against legal counsel for a hearing committee as that turns the whole thing into a lengthy court proceeding as opposed to an administrative procedure. In grievance committees on which he has served, he saw no problem, as they accepted material that an administrative body can accept which would not necessarily be accepted in a courtroom. Dr. Hoffecker noted that some universities specifically state they will not be bound by the rules of evidences normally presented in a court.

It was moved and seconded that the Senate accept the committee's report, and the motion passed. The report will be referred to the Executive Committee for further disposition through the Senate's normal channels. In reply to Senator Bellamy, Vice-President Callahan noted that the document handed senators by Professor Barbara Settles in reference to tenure policy would be passed on to the Committee on Welfare and Privileges.

VI. NEW BUSINESS

Item A. Professor Carl Toensmeyer stated that approval for the M.A. and Ph.D. majors in Criminology are provisional. He noted that the Criminology faculty within Sociology is particularly strong as is their academic program, and that there will be no financial drain upon the Sociology Department. As there were no questions, the M.A. and Ph.D. majors in Criminology were approved on a provisional basis (Attachment 5). The resolution reads as follows:

RESOLVED, that the Faculty Senate approves provisionally, for four years, the establishment of M.A. and Ph.D. majors in Criminology.

Item B. Professor Jeffrey Raffel stated that the two programs, Combined Bachelor's Degree in Engineering/MBA and the M.A. in Economics/MBA are small but high quality programs that are built upon other programs. In the absence of discussion, these two programs were approved (Attachment 6). The resolution reads as follows:

RESOLVED, that the Faculty Senate approves and recommends to the Board of Trustees that the Combined Bachelor's Degree in Engineering/MBA and M.A. in Economics/MBA be granted permanent status.

Item C. Senator Safer noted that the Arts and Science Senate had voted unanimously to oppose revisions in the University's Academic Calendar, and she wished the University Senate would also discuss the issue. Vice-President Callahan reminded the Senate that it could not act upon any resolution, but of course, could discuss the matter. Parliamentarian Douglas Boyd stated that since many people were not clear as to the proposed changes, we might want more specific information before discussion takes place. Vice-President Callahan agreed on behalf of the Executive Committee to return the issue to the Senate with proper supporting documents at a future time. Senator Bonner asked whether the item would be on the May agenda, to which Vice-President Callahan replied affirmatively. Provost Campbell reminded the Senate that the President's Council will discuss the matter this month, which might make the issue moot. He has been deluged with letters and telephone calls making the faculty sentiments very clear to him. In reply to a question from Senator Safer about whether the Senate could provide a sense of their views at once, Provost Campbell stated that there would not likely be a significant difference of opinion between what the Arts and Science Senate expressed and the representative view of the University Senate.

As there was no further business, the meeting was adjourned at 5:00 p.m.

Dutifully Submitted,



Robert J. Taggart
Secretary
University Faculty Senate

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Attachments:

1. Change in the name of the graduate major from Mathematical Sciences to Mathematics
2. Revision of existing major in American Studies
3. Proposed changes in the professional education component for various Arts and Sciences education curricula
4. Report from the Select Committee on Tenure Policy
5. Recommendation for provisional approval of M.A. and Ph.D. Major in Criminology
6. Recommendation for a permanent status for the Combined Bachelor's Degree in Engineering/MBA and MA in Economics/MBA