The meeting was called to order at 3:04 PM in Currell College Auditorium by Marcia Welsh, Chair.

I. REPORT OF THE BOARD OF TRUSTEES:

The Faculty Senate Chair stated that she has invited the Honorable C. Edward Floyd from Florence who is Chair of the USC Board of Trustees (and is from the 12th Judicial Circuit) and the Honorable Lily Roland Hall from Anderson (which is the 10th Judicial Circuit) to talk to us about their opinions regarding the higher education restructuring that is now going on over at the State House. The Honorable C. Edward Floyd, M. D. and the Honorable Lily Roland Hall were present to represent the Board of Trustees. Dr. Floyd made the following statement:

This is indeed a pleasure for me to be here today. As all of you know the Board of Trustees is ultimately responsible by law for the governance of the University. We choose to work through the administration to share the governance with you. We do this because we believe that you who hold the responsibility for and are very close to the daily operation of this institution should have a very strong voice in determining policies which you ultimately carry out. Today, I want to specifically focus on the proper governance of higher education of our state.

First I would like to recite some of the background. Last year the General Assembly chose to make massive moves to restructure government in South Carolina. During that debate members of the General Assembly and members of the public at large stated publicly and freely that next year, that is this year now, higher education would be the subject of scrutiny with restructuring higher education in mind. Senator Drummond said and announced publicly that he planned to introduce legislation that would create a board of regents for South Carolina and eliminate the boards of trustees. I want to express to you my belief that the Board of Trustees of the USC does its job in maintaining oversight and planning responsibilities for the University. We maintain the academic tradition of sharing responsibility with the faculty. Your FS Chair sits with the Board and adds your perspective and represents your voice in formal discussions of the Board of Trustees. You also elect members to the Academic Affairs and Faculty Liaison Committee to speak directly to the board. On the basis of the knowledge that we acquire through intensive study we establish policy -- that is our role. If I have my way and if my fellow board members have their way, we will continue to exercise that policy setting role.

This past summer forewarned of restructuring soon to come. Many of us met and talked. I met with quite a number of board chairmen, other board members, with administrators, with faculty and other leaders in the state to access their feeling about restructuring, and as a group of trustees, we began to see some ideas come together and we began to talk about some of these ideas with the Council of Presidents and with the Business Advisory Council. Our discussions became background for the formulation of a bill that was introduced into the Senate -- the Moore-Courson bill. This was introduced into the Senate and it was also introduced into the House of Representatives. The proposal is very straightforward. Currently higher education funds are appropriated by the General Assembly. The State Commission on Higher Education has members appointed
by the governor but is not responsible to the governor for its action (or its lack of action). Trustees are for the most part elected by the General Assembly. Our annual reports go to various departments of government but there is no final resting place for the accountability of higher education. Thus higher education sort of floats in a no man's land in our government. The proposal that we initiated is very specific in placing the responsibility of higher education into the office of the governor. We have initially proposed a council to coordinate higher education. This would be represented in the initial proposal by nine members of the governing boards of the 33 institutions -- 3 members would have been represented by the research institutions, 3 by the four-year colleges, and 3 by tech. The chairman would be appointed by the governor and the executive director would be appointed by the governor on recommendation of this council. Now the feeling of our board has been that a significant part of the recommendation must be that there is significant representation of the boards of trustees. There are many different plans circulating but the Moore-Courson bill is very clear, is very direct, it is manageable and it is very accountable. All the powers of the Higher Education Commission would be given to this new coordinating council. In no way are we trying to escape accountability. We know that someone must coordinate higher education. We have no problem with the central institution approving new programs and new facilities to prevent unnecessary duplication and I emphasize unnecessary duplication. We also want a central agency that is an advocate for higher education to tell the good works that higher education really does in this state and to sell our message to the General Assembly where we can get more appropriations.

To summarize there are four basically different plans now before the General Assembly, and there will probably be more as the session goes on. First is to continue the situation as it is right now with the CHE. Second is to create a governing council for higher education with significant new powers -- this is the Drummond bill which is basically a board of regents. The third is to create the type of coordinating council that we have proposed. Fourth is some other combination. As some of you may know, one of the Senate subcommittees in education met today and their proposal is that we would have restructuring but there would be a total of 10 members on the coordinating board and it would be made up of (I have a copy of the bill right here so I will read it) Six members -- would be one from each congressional district. It will be three from the institutional representatives -- one from each type of institution and I assume one from the research institution and one from the four year colleges and one from tech and the private institutions would have one representative but it would be a non-voting representative. The chairman would be appointed by the governor and he would be one of the six congressional district representatives. There are many ideas floating around right now. My comment to that is I don't know really right now where I stand except we need institutional representatives on any board. I would like to see more representatives than the 3 that are recommended in this plan but you know everything is negotiable at this stage.

We must have change. Why is this important? We need to set aside the present system because I have listened to all of you and it is very clear to me that there is too much interference. There is too little advocacy and there is too much bureaucratic frustration that exists in our present system today. The proposal to enhance the governing power of a central body in South Carolina higher education concerns me very deeply and I think that it really should concern every one of you here today. No matter what variations are put into themes such as the boards of trustees are kept or totally abolished or whether they are advisory committees or not I don't think is really the important point. The Drummond proposal, that has a board of regents, gives a central body specific powers to

Senate Minutes 2 April 6, 1994
impeach the president in spite of the best judgment of the sitting board. They
must also ratify the appointment of a president to any institution in the state. It
permits a central body to review the internal operating budgets of institutions
after they have been approved by the General Assembly. This is virtually
impossible by definition. It is not good public policy and it should not be made in
the law. This proposal suggests that admission standards for students be set by a
centralized governing body for all 33 higher education institutions. This power is
being taken away from the faculty. It provides that the setting of tuition and fees
should be removed from the authority of your board of trustees. Finally, the
measure calls for the centralized body to establish personnel policies. I can
promise you that the placement of this language parallels other outlines for the
study of higher education in the state dealing with the discussion of tenure and
faculty promotions, for the centralized body to deal with establishing tenure or
perhaps even to grant tenure, or perhaps establish faculty workloads. It seems to
me to be contrary to the traditions, interests and potential of higher education.

An alternative to the highly centralized proposal is the maintenance of the status
quo. I interpret the continuance of the CHE to mean movement towards downsizing the USC in Columbia, with additional controls placed over our enrollment,
admissions and other institutional prerogatives.

Now over the last year or so I have been very upset about many things that
have happened and I just -- the CHE was established to be a coordinating body.
The CHE is seeking more and more power. This year 33 members of the Council
of Presidents agreed on how all the money that was appropriated should be
divided. Every school agreed how that money should be divided. The CHE
disagreed. What is a coordinating council?

Another thing that has worried me. This year some of you were at our
Academic Affairs Committee meeting and the committee had approved a master's
of education program at the USC at Aiken and they approved this program but
there were certain conditions tied to it. I would like to read to you and I know that
probably all of you are familiar with this but I would like to read for you the
second condition -- "Written notification is provided to the CHE staff regarding
the name and qualification of the faculty to be hired for the 1994-95 academic
year." Now we as a Board of Trustees don't question this at all and this is what is
happening. We also need very desperately an advocate for higher education in
South Carolina. The chairman of the CHE on our campus in the last few months
stated that the commission was not an advocate for higher education, that it was
only a regulatory agency.

We need more state appropriations especially for salary increases because I
think it is a shame that our faculty or faculty everywhere are not paid more. We
will never get any more money if we don't have advocates for higher education.

Now third, the CHE set goals this year and they tied these goals to funding.
This is where the control lies is through their funding mechanism. Now one of the
goals within this was that there would be no increase in undergraduate education
at the University of South Carolina and I am convinced as I am standing here
right now that the Commission, if they gain control, dramatically wants to
downsizing our undergraduate programs at the university if not totally eliminate
them. Now the CHE causes excess paperwork, regulations, and I don't have to
tell any of you how bad it is, but when we started approaching this problem we
looked into how much it actually costs the University of South Carolina to comply
with the CHE, to go to the meetings, the information. It costs the USC $1 1/2
million a year out of our budget to comply with the CHE and we have decided
that over half of that is totally unnecessary. In the entire 33 institutions the cost is
$5 1/2 million. That's what it costs to comply. Now I am not talking about the
extra budget. They have a tremendous budget and I am not sure whether it is $5
or 6 million a year to run the commission. This is what it costs everybody out of our budget to run the CHE. I am really upset and I am here today to seek your support and I would hope that you would support the concept of a coordinating council with significant trustee representation on this coordinating council. I ask you to join this legislative fight for the Moore-Courson bill or concepts similar to the Moore-Courson bill. There are more specifics that are going to come out as we go along. There is one clear lucid set of proposals on the table today and those are the ones together we must cause to be enacted into law because that is the right thing to do for higher education and right for the state of South Carolina. We have the opportunity to create a unique governance structure for higher education in South Carolina and there is nothing wrong with that. Our structure does not have to be copied from another state.

There is one other thing that I am really upset about too. I have worked with the legislators and I am just -- I put forth as much energy as I can put forth along with Lily and our members of our board but where we are lacking is support. It is just amazing to me the counties that contain the USC campuses -- those who are your representatives that should represent the USC -- are the very ones that are opposing us. They are the ones that are not helping us. It is just hard for me to understand that. You know I come from a relatively small town -- I come from Florence and you know if Francis Marion wants anything I mean the legislators line up outside Francis Marion falling all over each other to do what they want done. The representatives from the USC-Columbia area are the ones that we need and I beg you -- I beg you to help us with this fight and I just have to describe it as a fight because that is what it is. I would hope that you would go out and try to call these guys and tell them that you think this is in the best interest of the USC and they represent the USC and we just need your help right now.

Lily Roland Hall made the following statement.

I hadn't planned to speak, but in answer to a question regarding the coordinating council, I have the following comments. The current CHE is composed of lay people who are reliant mostly on the statistics, the data, the information provided to them by paid staff people whom you do not know and who are not really accountable to anyone. It would be the same kind of thing with the proposed board of regents. Again you would have a lay governing board that would control the destinies of all of the schools in the state of South Carolina. They would be reliant upon information provided to them by their paid staff members The coordinating council that is proposed would be composed of some members that would be sitting board members representative of various institutions throughout this state. They themselves are already elected by the General Assembly and they themselves sitting on committees and subcommittees and full boards of the various institutions. So it provides a check and balance. I have personal knowledge of having sat on a study committee to look at the future of "two year education" in this state. It was a committee that was instigated by the CHE. It was the 17th such study in 20 years in this state. If those sitting on that committee relied solely on the information, the statistics, the data provided by paid staff people of the CHE we would have come to a very different decision. The information was contrary, in some cases, to information provided by this institution and the technical schools and other institutions who have a different way of looking at things. Somehow the statistics have a way of getting changed.

The minutes were approved with the following corrections:
   page 3, middle of page -- where there is evidence following line -- data

III. REPORT OF THE PRESIDENT, President Palms:

1. The budget from the House Ways and Means Committee has a 3.5% salary increase for faculty and staff. These salary raises are fully funded. The total budget is $11 million short of current figures.
2. The salary equity statistical analysis has been completed for the College of Business Administration and the College of Humanities and Social Sciences. The identified faculty in those colleges either have or will soon receive a letter giving them an opportunity to respond to the findings. I ask those involved to continue to show patience as we resolve these problems as quickly as possible.
3. The sexual harassment policy is in draft form.
4. The Dean searches are nearing completion.
5. Both the quality and the quantity of the freshman applicants have improved over last year.

Margit Resch (GSO) asked the President that when he delayed the salary inequity raises for about 2 dozen women, you justified that by saying that the issues needed to be studied and a regression study needed to be made before you could, and this is a quote, "make a rationally, morally, legally defensible decision." Now I presume that these inequity raises, since they were recommended by the departmental chair and sanctioned by the deans, were merely delayed performance raises. Now while this study is going on and the delay is taking place there are actually pay for performance raises and at this very minute and these paid for performance raises apparently not subject to that particular regression analysis. Could that be explained or are certain pay for performance raises rationally and morally and legally defensible without an analysis and some are delayed because this analysis is needed?

The President responded that $800,000 has been paid for performance raises. There is no indication that there is anything inappropriate about these raises. The University must respond to external market forces whenever the recommendations involve no inequity. Some of the inequity recommendations involve male faculty members.

Lori Thombs, Chair of the Equities Committee stated that she had called for the regression analysis so that all faculty, not just those who could be paired, could be fairly evaluated. Cheryl Luke (BA) questioned why faculty members were only asked if they were fairly evaluated rather than if they were paid equitably. The Senate Chair said that this was to check on the evaluations done by the departmental chairs and deans.

Charles Mack (ARTH) asked about basketball shoe and other contracts signed by the athletics coaches. The President stated that this was not a problem.

Senate Minutes 5 April 6, 1994
IV. REPORTS OF COMMITTEES

IVA. Faculty Senate Steering Committee, John Safko, Secretary

The steering committee selected Dan Berman to replace Morgan Maclachlan for one semester on the Curricula and Courses Committee. Since this is a temporary replacement, the action was taken by the Steering Committee.

IVB. Grade Change Committee, John Lopiccolo, Chair:

The committee report was accepted as submitted.

IVC. Curricula and Courses Committee, Thomas Cafferty, Chair:

The committee report was accepted with the following corrections.
- page 17 upper division requirements -- replace "transfer directly" with "may be placed in with a cumulative GPA."
- page 19 JOUR 304 -- correct the spelling of audience;
- page 20 right hand column -- correct credits to 18 in both cases last entry -- delete JOUR 305 not JOUR 303.
- left hand column where no change was indicated -- "Advertising 458, 545 PLUS eight additional hours of journalism courses which results in 14 hours and under Public Relations, the reading should be Jour 436, 531, 566, one course selected from 333/333L, 335/335L, 458, 540 PLUS two additional hours of journalism courses which reduces the credit requirements to 14 instead of 17.
- page 21 Dept. of Chemistry, last entry -- TO CHEM 530, last word is organic requirement is consent of instructor
- page 22 correct the spelling of chemistry and following that add to the listing for CHEM 550 ... (3) Prereq: CHEM 334 or the equivalent.

IVD. Faculty Advisory Committee, Brian Fry, Chair:

At the committee's recommendation, the Senate reaffirmed and extended the policy of not scheduling University activities that require student attendance during reading day or examination period.

The motion on the confederate flag was returned to the floor by the committee with the recommendation that, "The FAC finds that there is no authorization under the provisions of The Faculty Manual for the Faculty Senate to direct the General Assembly on the matter of flying the confederate battle flag."

Charles Mack (ARTH) moved to substitute with a motion for the Chair to write to the legislature saying that:

Senate Minutes 6 April 6, 1994
The Faculty Senate, on behalf of the Faculty of the University of South Carolina, encourages and advises the immediate removal of the confederate flag from atop the South Carolina State Capitol, leaving only the flags that represent the State of South Carolina and the United States of America.

The Senate then discussed the original motion and the lack of any prepared modifications to it. There being no proposed amendments, the Senate moved to the discussion of the proposed substitute motion. The substitute motion was approved and the motion to substitute passed. The new motion was approved.

**VI. Committee on Academic Responsibility, Eleanor DelPo, Chair:**

The committee moved its proposed Academic Disciplinary Procedure on pages 25-35 of the agenda with the addition of "present and" at the top of page 31.

Robert Wilcox, leading the discussion for the committee, discussed the main changes made in the original proposal. First, in Section 3, the procedural rules are simplified. Second, in Section 2, there is a possibility for the faculty member and student to negotiate a guilty plea. Third in Section 4 on page 32, an attempt is made to distinguish between a disciplinary sanction and an academic sanction.

A long discussion followed of examples of how the new rules would apply. In particular disciplinary sanctions would require evidence, not just suspicion. The professor may investigate until he/she is convinced that cheating has occurred, then the matter must be taken to the dean.

The question was raised if faculty members would be protected legally by the University if they did not follow these procedures. No definite answer could be given at this time.

During the discussion it became clear that a grade penalty is not listed as a disciplinary sanction. This could be a separate academic sanction, but the grade penalty could not be the disciplinary sanction. The faculty member can give any grade that the academic work justifies but the grade can not be used purely as a sanction for cheating. There is no provision for you expelling a student from a class pending the outcome of the proceedings.

A call for the question was made. There being no objection the vote was taken. The motion was approved by the Senate.

**IVF. Faculty Welfare Committee; Henry Price, Chairman:**

The committee reported that the salary continuation policy with Jefferson Pilot will be canceled by that company. They are canceling all such policies. Jane Jameson reported that a better and less expensive policy will soon be available.

In response to a question Carol Bonnette said that the status of Educational Foundation support of the Prudential Life policy is still not decided.
V. REPORT OF THE SECRETARY, J. L. Safko:

The May Senate meeting will be held following the General Faculty Meeting on reading day, May 3rd. The General Faculty Meeting will start at 2 PM.

VI. UNFINISHED BUSINESS

The Chair reported on three items of old business.
1. The Steering Committee has agreed that the Senate will meet in January.
2. A letter has been sent to the Academic Responsibility Committee to consider those aspects of faculty misconduct that are not already covered by the scientific and research misconduct policies in the Policies and Procedures Manual.
3. Wasted food could be distributed from the University kitchens by the Harvest Hope Food Bank. This distribution is currently against Marriott national policy. The University Legal Council will work on this when the contract is renegotiated.

VII. NEW BUSINESS

The Chair reminded the Senators of the letter she sent discussing the proposals on or by the Commission of Higher Education. Chairman Sheheen of the Commission demanded a written and verbal apology for the statement that the Commission was not an advocate for higher education. The Chair does not feel that such an apology is appropriate at this time. If there is no objection, she will invite Mr. Sheheen to speak at the next Faculty Senate meeting.

VIII. GOOD OF THE ORDER

Brian Fry (GINT)

If I may follow just briefly on the comments by Dr. Floyd and Ms. Hall. I think we are faced with a great problem in terms of restructuring proposal. Let me recommend to you that I think Senator Drummond is a good and reasonable man in the contacts I have had with him and I think is amenable to some kind of compromise. If you are going to contact people you might want to think about copying a line to Senator Drummond. I think an expression of concern on the part of this faculty with the respect that he has for this university might convince him that a compromise might be necessary.

IX. ANNOUNCEMENTS: None

The meeting was adjourned at 5:05 PM