

MINUTES OF FEBRUARY 20, 1980

I. Comments by Chairman

The Faculty Senate meeting was called to order by Chairman Charles W. Coolidge. He thanked Professor Felix for serving in his stead at the lengthy previous meeting. Chairman Coolidge then announced that the Senate Steering Committee acting in its capacity as a nominating committee would meet Monday, February 25th at 4:00. Any members of the Senate or any units within the University wishing to give the nominating committee advice as to nominations for membership on faculty committees should communicate in writing to him either at the History Department or at the Senate Office. Lastly, he pointed out that no one had been more diligent than the Chair in assuring that the matters before the Senate this afternoon had received full debate and study. On several occasions he had postponed consideration in order that all members of the University community be informed as to what was being considered and in order that they might have an opportunity to discuss the matter with the relevant committees. But now the time had come to act if the Senate did not wish to lose its credibility.

II. Reports of Officers - None.

III. Reports of Committees.

A. Faculty Advisory Committee, Professor Perry Ashley, Chairman:

Professor Ashley presented again what had been presented at the last meeting, without any further proposals or new suggestions on procedure.

Professor William Strickland, Theatre and Speech, moved that paragraph two in the main proposal be stricken. After some discussion which largely reiterated arguments produced at the previous meeting, the amendment was defeated.

Professor Eldon Wedlock, Law School, moved to amend the language of the second paragraph in such a way that it would read: "For those faculty who will in the future be considered for tenure or promotion, reviews shall reflect not only the reviewer's personal judgment but the reviewer's summary of such collective opinion of the local unit promotion and tenure committee as has been formed in prior years." The amendment was defeated.

Professor Edgar Hickman, Business Administration, moved to strike the underlined word "retention". Professor Weasmer ruled that a two-thirds vote would be necessary to rescind action previously taken. The motion was defeated.

Chairman Coolidge inquired if there were any amendments to the substitute motion.

Professor Daniel Sabia, Government and International Studies, spoke in favor of the substitution as the substitute motion left no doubt that peer review was called for and that the review procedure was left to the discretion of the unit.

Professor John Safko, Physics and Astronomy, proposed to strike footnote (1). Motion was defeated.

Professor William Strickland, Theatre and Speech, moved that at the end of the second sentence the following be inserted: "Each unit will establish and administer a system of peer review" and to delete the second paragraph. The amendment was defeated.

Professor Carl Evans, Religious Studies, moved to amend the second paragraph by striking the last two lines of the paragraph, including the footnote, and adding "established in accordance with procedures of the local unit." The amendment was defeated.

Professor Wedlock moved to add another footnote to the effect that "Neither the signature of the faculty member nor his or her failure to file a response shall be construed as agreement with the review." The amendment was approved.

Professor Ashley spoke in favor of the substitute motion as did the Provost who strongly urged its adoption. The Senate then voted to adopt the substitute motion.

Chairman Coolidge then moved to the grievance procedure.

Professor Carmel Ingebretsen, Medical School, stated that on the attachment that was distributed this week there appeared to be an error.

In response to the question by Professor Ingebretsen, Professor Becker replied that in the agenda a sentence was inadvertently omitted and that in both the Faculty Advisory Committee's proposal and in Professor Wedlock's proposal it should read: "For grievances involving nonreappointment, denial of tenure or denial of promotion, see Section I. For grievances involving termination of a tenured faculty member, see Section II."

Professor John Safko moved to amend Section 4 (i) such as to substitute the word "a" for the underlined word "the". Professor Safko thought it important to make clear that while the Grievance Committee acts on behalf of the faculty, it is by no means the faculty.

Professor Wedlock replied that the Grievance Committee ought to have the right to speak for the faculty. If there was lack of agreement, for example, between local unit and the Tenure and Promotion Committee, the President could choose whose side he wanted to take. If he then were not bound by what the Grievance Committee suggested, nothing in effect would have been resolved. But to resolve an issue satisfactorily, the final decision ought to rest with the Grievance Committee.

Professor Edward Mercer, Chemistry, commented that he would be reluctant to give a 6 or 8 person committee the power to speak for all faculty opinion. The broad base of decision-making should not be ignored in favor of one particular committee.

Professor Becker spoke in favor of the amendment. He considered Professor Wedlock's proposal as very legalistic in which the Grievance Committee acts as a superior court which overrules and reverses the decisions made on the lower level. To look upon it this way would eviscerate the collegiate power of decision-making on the lower level and that kind of sole consideration should not be given to a much smaller group.

Professor Benjamin Gimarc, Chemistry, observed that if the Grievance Committee can make a better case than the local unit or the Dean or the Tenure and Promotion Committee of the University, then its report should receive the respect that it is due, but it should not get it automatically.

Professor Robert Felix, Law School, observed that it is the Grievance Committee's function to determine whether or not a grievance exists, but that's not the same thing as giving to the recommendation of the Grievance Committee the status of the recommendation of the faculty.

** needs to be italicized*

Professor Safko's amendment was adopted.

Professor Ashley rose to oppose the substitute proposal in general. But he was concerned in particular with the section dealing with the confidentiality of evaluations and letters. He much favored the Faculty Advisory Committee's proposal which, as amended, calls for a detailed summary of all assessments without breaking any confidentiality.

Professor Morris Blachman, Government and International Studies, suggested that wherever it appears, the word "inquest" be replaced by the word "inquiry". The suggestion was acceptable to Professor Wedlock. Blachman observed that what we call confidentiality has no legal standing in court. He continued to move the amendment of the second sentence in Section 4(f) to read: "In the case of confidential professional assessments the committee may provide nonattributed excerpts/statements or other materials, or such other lesser measure that it deems sufficient. . ." At that point Professor Safko moved the previous question. The Senate voted to cut off debate on Professor Blachman's amendment and then proceeded to approve his amendment.

Professor Safko then moved the previous question on the motion to substitute. The motion carried.

Chairman Coolidge asked the Senate to vote on whether to adopt the substitute proposal for that of the Faculty Advisory Committee. The motion was defeated 52 to 27.

Again Professor Safko moved the previous question. The Senate voted to cease debate and then adopted the Faculty Advisory Committee's grievance proposal.

IV. New Business.

Professor Morris Blachman, Government and International Studies, suggested that the question of location and access to permanent records needs to be examined. Chairman Coolidge indicated that he would turn the problem over to the Faculty Advisory Committee.

Provost Borkowski commended and applauded the Faculty Senate for its work on these two very important documents. While to some the deliberations may have been frustrating, the grievance document as a result of the revisions had emerged as a better and stronger procedure. Other institutions have wrestled with grievance procedures for years; one university debated a faculty performance assessment for 3 1/2 years.

V. Good of the Order

Professor Safko expressed his disappointment that even during these important discussions only two-thirds of the Senate was in attendance and hoped that the Steering Committee would look into the matter.

Chairman Coolidge asked for a motion to adjourn. The meeting adjourned at 5:45 p.m.