THE UNIVERSITY OF SOUTH CAROLINA

FACULTY SENATE MEETING

- MINUTES: December 5, 1979 -
  December 12, 1979 -

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Peter W. Becker
Office of the Secretary
January 21, 1980

Peter W. Becker
Secretary
Chairman Coolidge asked if there were any additions or corrections to the minutes of the November 7th meeting. Several motions were made to amend the minutes to indicate that a quorum was present. After almost interminable discussion, it was decided that the minutes could not be amended but that an annotation would be included in the official minutes that a quorum was present.

II. REPORTS OF OFFICERS

Professor Alfred G. Smith reported on the status of the University's 1980 self-study. Eleven committees and a steering committee have been formed and all have had several meetings. The Self Study Office is engaged in the compilation of a data book which is expected to be published in January. The Steering Committee is working on a questionnaire to be distributed to all departments and colleges shortly. Dr. Smith pointed out that unlike previous self-studies, the 1980 self-study will be used as a planning document.

III. REPORTS ON COMMITTEES

A. Faculty Senate Steering Committee, Prof. Robert L. Felix - NONE

B. Grade Change Committee, Professor B. Theodore Cole, Chairman:

On behalf of the Grade Change Committee, Professor Cole moved for approval of the committee's recommendations. The recommendations were approved.

C. Committee on Curricula and Courses, Professor Henry T. Price, Chairman:

On behalf of the Committee on Curricula and Courses, Professor Price moved for approval of Section I, College of General Studies, a new degree program in Hotel, Restaurant and Tourism Administration.

Professor William T. Trotter, Math, Computer Science & Statistics, pointed out that MATH 101 should not be listed as a degree requirement for any college degree. He suggested that MATH 121 be substituted for MATH 101. He said the second point he would like to discuss is that his department is over-worked and this would be adding to its workload. He inquired as to whether or not University resources had been considered before a new undergraduate program was approved.

Professor Price responded that the Committee does not discuss financial matters and that these are entirely administrative decisions.

Provost Borkowski agreed with Dr. Price that the issue of whether or not the University can fund new programs is an administrative decision.

Professor John Safko made a motion to substitute MATH 121 for MATH 101. The motion was seconded and approved.

Associate Dean Gunther J. Holst, College of Humanities and Social Sciences, expressed his reservations concerning the lack of a foreign language requirement in the proposed program. Professor Ben Gimarc, Chemistry, made a motion to recommit the proposal to the committee for further study. Professor Ziegfeld moved to amend the motion to state specifically that it was being recommitted for the purpose of studying the addition of a foreign language requirement. Discussion continued on the merits of including a foreign language requirement. Motion to recommit was seconded and approved.

Professor Hickman, BA, raised a philosophical point. He recollected as a member of the Curricula and Courses Committee at the time when the Bachelor of General Studies program was proposed that there was an undertaking by the College of General Studies that it would offer only associate degree programs and that the Bachelor of General Studies was merely a coordinating degree of courses offered at the upper level by other colleges and departments.
Professor Wedlock confirmed that the sentiments expressed by
Professor Hickman were those that he also remembered from that time.
Professor Price answered that the Committee on Curricula and
Courses had examined the proposal purely on its technical merits and had
regarded the point raised by Professor Hickman as outside of its purview.
Provost Borkowski stated that he was not aware of any factors limit­
ing the College of General Studies in its offerings and that the College's
Bachelor of Arts in Interdisciplinary Studies was a precedent, but that his
office and the Academic Forward Planning Committee would take a hard look
at the program.
Professor Carlsson, B.A., added that the Academic Forward Planning
Committee was interested in the issue and would report to the Faculty Senate
at its next regularly scheduled meeting.
Professor Price then asked for approval of Sections 11-A, Department
of Music, including the addendum for MUSC 553 and 593; 11-B, Department of
Philosophy; 11-C, Department of Theatre and Speech. Sections H-A, B, and C
were approved.
Professor Tim Jur, Engineering, moved to adjourn until Wednesday,
December 12. Motion was seconded and approved. The meeting adjourned at
5:50.

MINUTES - December 12th FACULTY SENATE MEETING

Chairman Coolidge called the Senate to order. He stated that
since the minutes of the December 5th meeting were not yet available we
would move immediately to "Reports of Officers."

I. REPORTS OF OFFICERS

Provost Borkowski expressed his appreciation to the faculty for
the enormous response to his request for information on the kinds of research
programs currently being undertaken at USC. It had at first been intended to
distribute this information to all members of the Board of Trustees, but the
cost turned out to be too high, as there were 20 volumes, each with 225-250
pages. He added this was an impressive amount of material which reflects
well on the scholarship of the faculty.

Dr. Borkowski said that President Holdeman met with colleagues
from other state colleges and universities and the Budget and Control Board
to seek approval for the Board of Trustees to govern internal personnel issues
on this campus, specifically the evaluation process. Dr. Holdeman presented
a prepared statement on behalf of all state colleges and universities and
was seconded and supported by the heads of other institutions. The Provost
was optimistic that the Budget and Control Board would take action soon and
that until a final decision in the matter is made, institutions are ordered
continuing with the processes that existed prior to the Attorney General's
opinion in August.

Provost Borkowski reported that the Commission on Higher Education's
master plan for the state is now being published and will be presented to the
Legislature. The Commission made some major changes in the last draft; for
example, it now refers to the nine-campus system of USC and the College of
Engineering and computer science are included as areas to be developed.
The restrictive judgment on the Medical School was also altered, allowing us to produce first-rate physicians.

With respect to the budget, the President has concluded his final review and has arrived at allocations for the major units and the Provost's Office has made its determinations for the various colleges, the Library, the Registrar's Office and all other units who report to that Office. Most of the additional funds went into new faculty positions and faculty salaries. The Joint Appropriations Committee is considering a return to the old system of counting the student enrollment during the first week of a semester, a change which would be beneficial to the university.

Professor Blachman, SINT, moved to suspend the rules of the Faculty Senate for the purpose of introducing a motion to create a special committee of the Faculty Senate charged with drawing up a new grievance procedure in consultation with the Faculty Advisory Committee and to report to the Senate in February.

Professor Charles Weasmer, parliamentarian, ruled that in order to suspend the rules an affirmative vote of 60 members would be required. Professor Rood seconded the motion to suspend the rules.

Professor John Sprout, History, asked for the floor in order to make the following germane statement: "For the record, let it be known in the general faculty of this University that Dr. Michael S. Smith, whose tenure and promotion case is now before the State Personnel Grievance Committee, did not receive the endorsement of the tenured faculty in the Department of History for either promotion or tenure and that his file went forward only on appeal. The department chairman and the dean of the college endorsed the tenured faculty's judgment. The University Tenure and Promotion Committee recommended that the tenured faculty's judgment be overruled. The Provost and the President, in their turn, did not accept that recommendation and instead sustained the judgment of the History tenured faculty."

The case ultimately went to the Faculty Grievance Committee, which did not hold a hearing and which recommended to the Provost that the Smith file "be reconsidered by the Provost and the President." The Provost accepted that recommendation. He and the President reviewed and reconsidered the file, then sustained their original decision to accept the judgment of the History tenured faculty.

The motion to vote to suspend the rules was then approved with a vote of 62 in favor.

Professor Norris Blachman, SINT, moved that the Faculty Senate create a committee charged with drawing up a new grievance procedure in consultation with the Faculty Advisory Committee. The committee would consist of eight faculty senators, two of whom must be non-tenured, and all must be elected by the Faculty Senate on the basis of a majority of votes. The faculty committee shall constitute a body and elect a chairman and will report back to the Senate in February.

Professor Wedlock seconded the motion. Discussion continued.

Professor Wedlock made a motion to amend the original motion to include in its charge "to investigate the recommendations concerning the entire University Tenure and Promotion system." Motion was seconded. Professor Wedlock argued in support of his amendment that the two issues of grievances and tenure and promotion were inextricably linked and should be dealt with as one.

Professor John Safko spoke against the motion, considering it unrealistic to have a new committee draw up new grievance procedures by February.

Professor Rood also opposed the motion to amend because the purpose of Blachman's proposal was to reduce the level of acrimony and resolve some of the issues.

Professor Perry Ashley, chairman of Faculty Advisory Committee, states that while the Faculty Advisory Committee welcomed any comments con-
cerning grievance procedures, he was opposed to the creation of such a committee as it would render the Faculty Advisory Committee nugatory and replace a duly elected and constituted committee of the Faculty Senate with an ad hoc committee.

The amendment to extend the authority of the proposed committee to include tenure and promotion was then put to a vote and defeated.

Professor Blackman spoke in favor of his motion. He agreed that the time limit could present a problem but he felt that the faculty would be well served by establishing a committee with broad representation to give this issue the due consideration which it seemingly had not received from the Faculty Advisory Committee.

Several senators expressed their doubts regarding the election of another committee, and when the motion was put to a vote, it was defeated 45-40.

II. REPORTS OF COMMITTEES

A. Committee on Curricula and Courses, Professor Henry Price:

On behalf of the Committee on Curricula and Courses, Professor Price presented the Bachelor of Science in Hotel, Restaurant and Tourism Administration which had been recommitted at the December 5th meeting. In consequence, MATH 123 was substituted for MATH 101 (approved at the December 5 meeting), and a two-semester foreign language requirement was added.

Professor Mercer, Chemistry, asked whether, in light of the point raised at the previous session, the committee had given any thought to the introduction of 300-400 level courses in the College of General Studies. Professor Price replied negatively.

Provost Borkowski stated that in his opinion the acceptance seven years ago of a B.A. in Inter-disciplinary Studies was precedent-setting and had opened the door for the College of General Studies to offer four year programs.

Professor Mercer recollected that at the time of the introduction of the B.A. of General Studies the role of the College of General Studies was clearly defined as consisting of no more than the coordination of course offerings of other departments and that there was no intent for the College of General Studies to create its own courses at the upper-division level.

Professor Trotter, Science and Mathematics, opposed the new program for financial reasons and pointed out that both Advanced Forward Planning Committee and Provost had admitted that these issues had not been addressed and that he desired to see them dealt with.

Professor Safko was of the opinion that before this could be done, the Faculty Senate had to cast a vote.

When the matter was put to a vote, the program was approved.

B. FACULTY ADVISORY COMMITTEE, Professor Perry Ashley, Chairman:

On behalf of the Faculty Advisory Committee, Professor Ashley presented the Academic Grievance Procedure document (Agenda, Dec. 5, pp. 8-12). The only minor changes made were (1) changing the name of the Academic Affairs Committee to Academic Affairs and Faculty Liaison Committee throughout the document; (2) also added was (d) to Section 4 which reads: "The proceeding shall be recorded on tape which shall be for the confidential use of the committee only; (3) in 4c the word 'hearing' has been changed to 'review'; (4) in 4g the phrase 'impermissible criteria' was added.

Chairman Coolidge stated that as this was in fact a new report from the Faculty Advisory Committee and a matter of substance, he would not permit any definitive action or amendment be made to the report at this time.

Professor Wedlock, after discussing many of the issues involved said he would like to speak against the motion. He added that none of the grievance procedures had addressed the main issue that the Grievance Committee had "no teeth" and is prevented from acting as a grievance committee because it cannot make any binding decisions.
Professor Nathan Crystal, Law School, presented on behalf of the Faculty Grievance Committee its semi-annual report. Professor Reiser, chairman of the committee, asked Professor Crystal to read the report to the Senate because his committee was in session at that time and could not be present. (Attachment 1, pp. 14-15)

Discussion continued on the grievance procedure, and when put to a vote, the Senate, by a vote of 46 to 34, decided to delay action until February.

Professor Ashley explained the reasoning behind the changes and also said that the committee tried to follow the American Association of University Professors guidelines and the grievance procedures of several universities.

Professor Daniel Sabia, GINT, stated that he found the rationale of grievance procedures distributed at the previous meeting offensive and indefensible. It seemed to him that it established two classes of people at the University - those with property (tenure) and those without (non-tenured). The tenured have special privileges, while these are denied to the non-tenured. As it is, the rationale undermines any pretense to peer review and the possibility of collegiality.

Professor Giarc, Chemistry, and a member of the Faculty Advisory Committee, provided some illumination on his rationale in formulating the proposed grievance procedure. The Faculty Advisory Committee had two plans to consider. One followed the principles of administrative law and included the procedure of a court of law. The other was a non-adversarial procedure which protects the confidentiality of the evaluation, does not allow for cross examination of witnesses, and it follows the traditional form of a University Faculty Grievance Committee. The second model was chosen by the Faculty Advisory Committee and Professor Giarc supported it because the University is not a court of law and its internal procedures need not conform to those of a court of law. Some members of the faculty are also lawyers and these individuals might be more comfortable if our internal procedures were those of an institution with which they are professionally familiar. But we should not choose our procedures for the convenience of the lawyers - our procedure for tenure or promotion and grievance should be designed to find the truth. One of the main functions of a university is to maintain knowledge, create new knowledge, and reorganize knowledge and to find the truth. Our tenure, promotion and grievance procedures must be such that individuals in committees exercising judgments on these issues have as much information as possible upon which to make their decisions. He contended that there would be less information if letters of evaluation from our own faculty as well as those from outside referees were not maintained confidentially. Furthermore, the professional evaluations are not themselves appropriate documents on which to base a grievance. The grievance should only result from a claim that stated professional criteria were not properly considered, stated procedures were not followed, that academic freedom was denied. If procedures call for professional evaluation to be considered for tenure and promotion, then it is enough for a grievant to know that indeed those evaluations were made and considered.

Of course the grievant is entitled to receive a summary of these grievances - this right should be explicitly stated in the University Tenure and Promotion procedure. Should the grievance committee meetings allow the cross examination of witnesses, professional reviewers would give less candid evaluations, being reluctant to take part in a court-room-like confrontation with someone who might turn out to occupy the office across the hall for the next twenty-five years. Another criticism of the procedures that we recommended is that the Faculty Grievance Committee does not have any authority to order a resolution of the grievance. The Grievance Committee could only recommend that this is in accord with the normal faculty organization which is pluralistic rather than hierarchical. We are a community of equals. We do not have higher levels
of committees that can reverse the decisions of lower committees as higher courts can reverse the decisions of lower courts. The departmental tenure and promotion committee is just as powerful as the University Tenure and Promotion Committee or the Grievance Committee. The Grievance Committee may disagree or make different recommendations, but none takes precedence. Another criticism of the recommended procedure is that much of the initial process involves sending the grievance back to be reconsidered by people who already recommended against the grievant. The object of the administrative reconsideration is to allow the administrators to review the situation as a grievance. Should they find that a grievance had merit, they can recommend steps to redress and thus avoid the committee proceedings. Should they not choose to support the grievant, the administration is put on notice that the next step would be a petition to the Grievance Committee. It should be kept in mind that the administrators involved are faculty members who have been selected for their experience, judgment, leadership, and ability to express themselves and therefore given special responsibility within the University. Reconsideration gives them a chance to correct mistakes. In the end, tenure and promotion can be granted only by the Board of Trustees and the Board of Trustees cannot be expected to delegate this authority to the Grievance Committee. The proposal to make the final level of recourse the Board of Trustees Academic Affairs and Faculty Liaison Committee is an attempt to make the faculty contribute to the cases brought forward.

D. FACULTY WELFARE COMMITTEE, Professor Jim Edwards, Chairman:
On behalf of the Faculty Welfare Committee, Professor Edwards referred to the report on pp. 14-21 of the Agenda and moved the adoption of Resolutions A and B.

Peter Becker, Secretary of the Faculty, stated that he had received a letter from John Montgomery, Secretary of the Law School Faculty, conveying

to the Faculty Senate that the Law School Faculty unanimously supported the proposals of the Faculty Welfare Committee.

Both resolutions were adopted.

OTHER COMMITTEES - None
IV. REPORT OF SECRETARY - None
V. UNFINISHED BUSINESS - None
VI. NEW BUSINESS

Chairman Coolidge asked that a motion be made thanking the persons responsible for the beautiful decoration of the Horsehoe this Christmas. The motion was made, seconded, and approved.

VII. GOOD OF THE ORDER

Professor Wedlock reported that he had been asked by a member of this faculty to bring up the issue of the use of the campus mail to alert other faculty members of the availability of his house for rental as he was going on sabbatical. The use of the campus mail has been denied to him on the grounds that the rental of a private dwelling was not official business.

Professor Weasmer, referring to previous actions taken, regarded it as undesirable to create special committees to perform the functions of regular standing committees.

The Faculty Senate has the freedom to adjust any document before it to its wishes and can exercise this freedom with respect to the proposed grievance procedure. He rejected earlier criticism that the Faculty Advisory Committee had failed to respond to suggestions given to it. The Faculty Advisory Committee had in fact considered them and disagreed with them. There were different concepts involved and if the Faculty Senate did not agree with
what was presented to it, it could vote accordingly.

A motion was made to adjourn and seconded. Meeting was adjourned at 6:10.

MEMORANDUM

TO: The Chairman of the Faculty Senate
FROM: Walter A. Reiser, Jr., Chairman
Faculty Grievance Committee
DATE: December 11, 1979

At a meeting held on Monday, December 10, the Faculty Grievance Committee instructed me to submit this report to the Faculty Senate at its meeting to be held on Wednesday, December 12. The Grievance Committee will be holding a grievance hearing while the Senate is meeting; therefore, no member of the Committee will attend the Senate meeting. Please read this report to the Senate as the semi-annual report of the Grievance Committee, and place the report in the Senate minutes.

This is a report of action taken by the Faculty Grievance Committee during the 1979-80 school year. Included in the write-up of each case is a statement of the President's response to the Committee's recommendations.

1. Professor A grieved on denial of promotion and inadequate salary. The Grievance Committee recommended by unanimous vote that he be promoted effective at the beginning of 1979-80 and that his salary be adjusted in accordance with his new rank. The President rejected the Committee's recommendation, but directed that the promotion question be given early reconsideration by the department.

2. Professor B grieved on denial of promotion, denial of tenure, inadequate salary, and termination of appointment. The Committee by unanimous vote recommended that no relief be granted. The President accepted the Committee's recommendation and granted no relief.

3. Professor C grieved on denial of promotion and denial of tenure. The Committee recommended by a 3-2 vote, with one member disqualified, that tenure and promotion be granted effective at the beginning of 1979-80. The President rejected the Committee's recommendation and granted no relief.