

THE UNIVERSITY OF SOUTH CAROLINA
FACULTY SENATE MEETING

- MINUTES: November 7, 1979 -

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Attachments:

1. Faculty Senate Attendance p. 6

Office of the Secretary
November 21, 1979

Peter W. Becker
Peter W. Becker
Secretary

I. Approval of Minutes

The minutes of the October 3, 1979 meeting were approved as distributed.

II. Reports of Officers

Report of President

President Holderman distributed the University's official response to the master plan draft of the Commission on Higher Education. The response is principally concerned with the allusions constantly made in the master plan to a "three-tiered" system much like that of California, which has been rejected by the legislature several times. Another objection is the omission of any reference to the University as a system. Furthermore, according to the master plan draft, the Medical School will be truncated beyond recognition as a quality medical school. Similarly, no reference was made in the plan to Engineering and Computer Science as programs to be developed at USC. Finally, the Commission has indicated its desire to become a supreme governing board, and the response expresses considerable concern over this. The document has been approved in principle by a committee of the Board of Trustees and will be distributed widely.

Referring to the budget, President Holderman stated that the positions of the Budget and Control Board and the University are still far apart, but that owing to an improved financial forecast the University is hopeful that its request will be funded. The University is asking for \$13 million more this year, and the Commission on Higher Education has recommended about \$9 million more with the understanding that the University will not have any new faculty or staff positions. The University has a fairly sizeable number of vacancies that need to be funded in order to fill them. If the University receives full funding for them, the enrollment on the Columbia campus could increase by 1.9% and by 4% throughout the system. If, as planned, a limit of 2500-2600 freshmen is set, using the new admissions criteria, the average SAT score of the entering freshman class next year will range between 1010 - 1020, an increase of 70-80 over this year's average.

III. Reports of Committees

A. Faculty Senate Steering Committee, Professor Robert L. Felix: - No Report

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

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

Report of Committee on Curricula and Course

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

On behalf of the committee, Professor Price moved the adoption of Section I-A, Department of Geography and Section I-B, Department of Government and International Studies. The recommendations were approved.

Report of Faculty Advisory Committee

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

On behalf of the Faculty Advisory Committee Professor Ashley presented as information a proposed procedure for academic grievances for non-tenured faculty. He explained that the document is a compilation of existing grievance procedures with a few minor exceptions. If this document is approved by the Faculty Senate and the Board of Trustees, it would then appear in the Faculty Manual as a guideline to be followed in pursuing grievances. The proposal parallels closely the time limits and the procedural steps of the state's grievance system and is submitted to the Faculty Senate on the assumption that university faculty will be exempt from the state system. Part II of the document will be presented later when the committee has studied thoroughly the procedures for tenured faculty grievances.

In response to various suggestions that the university grievance procedure be made more objective, an outside appeals group, the Academic Affairs Committee of the Board of Trustees has been added as the final appeals court. The Academic Affairs Committee was chosen for two reasons: (1) it is familiar with academic matters, and (2) the committee has faculty representation. In addition to five Board members, there are the following five faculty members: the chairman of the Senate, the chairman of the Faculty Advisory Committee, the chairman of the Faculty Welfare Committee, one representative from the two-year campuses, and one from the four-year campuses.

The chair ruled that the Senate would not entertain amendments or permit definitive action on the matter until the next meeting. The floor was opened for questions and debate.

Professor Morris Blachman, Government and International Studies, stated that the procedures should provide the maximum amount of protection to both the grievant and those against whom the grievance is filed. He suggested that in grievance procedures details should be specified, put in writing to the appropriate unit head, and a written record of the grievance process be kept. A reasonable amount of time should be allowed for the appropriate people to respond so that if the grievant were still not satisfied he could go on to the next level.

Professor Blachman pointed out that the precise powers of the committee are unclear with regard to a non-reappointment, non-tenure/promotion grievant. The document states that the committee should engage in mediation or other appropriate action. He thought that the document should specify the kinds of action that could be taken or perhaps make recommendations to the Senate as to the kinds of authority the committee could have.

Professor Blachman charged that there is a lack of clarity as to the criteria on which the review is based. There is, for example, an apparent contradiction in the statement 4(a) on page 8 where one justification for a grievance is cited as "Inadequate consideration of unit criteria," and this is followed by the statement that "the Faculty Grievance Committee will not substitute its judgment for the qualitative professional judgment of the faculty in determining whether the relevant unit's criteria had been adequately met." He also wondered whether a grievant's first talk to his unit head constituted the first step of the formal grievance procedure. (Professor Ashley replied in the affirmative).

Professor Blachman continued to say that the actual procedures of the Faculty Grievance Committee meetings should be made clear and explicit. It seemed to him that the burden of proof was unduly placed on the grievant, that the grievant was kept ignorant of charges against him in confidential files, and that the grievant was unreasonably kept from sitting in on all proceedings. A determination needs to be made as to what should remain confidential and for how long.

Professor Ashley replied that with reference to item 4(a) the contradiction was only apparent. The Grievance Committee would not judge the criteria of the particular academic unit, but it would ascertain whether these criteria had been applied fairly. As for the points on procedure, these were still under study.

Professor Eldon Wedlock, Law School, argued that what was being presented was not really a grievance procedure as the term is understood in administrative law or university education law. Instead, the procedure was more in the form of a petition which would be taken under advisement by the Grievance Committee which subsequently would make recommendations. Moreover, it was unclear whether the Grievance Committee was reviewing the determination of the unit or the determination of the University Tenure and Promotion Committee.

Additionally, the proposed procedure glossed over the fact that the grievance procedure is in reality an adversarial procedure and contained no provision for disclosure. Professor Wedlock argued that the appeals procedure does not really constitute an appeal because the Grievance Committee does not have the authority to reverse an earlier decision but merely to make recommendations to the President who would get to see the same file on three different occasions.

Professor Tom Trotter, Mathematics, suggested that the criteria used by academic units, by the administrative officers, and by the University Tenure and Promotions Committee should be formulated in a much more precise fashion.

Professor Robert Patterson, History, stressed two positive points of the proposal. One is that if the Faculty Grievance Committee finds that there has been inadequate consideration of the stated criteria it is empowered to take remedial action in remitting the case to the local unit for reconsideration. The second one is that the addition of the Academic Affairs Committee of the Board of Trustees is the final arbiter in the process.

Professor Wedlock moved to recommit to the Faculty Advisory Committee the procedure for a new draft to incorporate solutions to some of the problems. The motion was seconded and approved.

IV. Report of Secretary - None

V. Unfinished Business

On behalf of the Faculty Advisory Committee, Professor Ashley moved the adoption of the resolution to exempt faculty from state grievance procedures. He reported that the Faculty Advisory Committee had inquired of other states how they handle this matter and that of 42 states 62% exclude their faculty from state grievance procedures, 21% include their faculty, and 17% have some sort of collective bargaining arrangement. The state of North Carolina excludes its faculty from state grievance procedures. As for South Carolina, he had been informed that the university system as well as all other colleges and universities unanimously favor the exclusion of faculty.

Professor Robert Patterson, History, in the absence of the chairman of the Academic Forward Planning Committee, reported the support of this committee for this resolution.

Professor Felix pointed out that the statement that the faculty supports the amendment of ACT 154 is not a statement that endorses the text of the present bill which passed the House and is now before the Education Committee of the Senate.

Professor Wedlock rose to question the current practices of the University Tenure and Promotions Committee. There are reports of excessive override of local unit recommendations by the committee and/or the administration. Certainly, in comparison with earlier years, there is now a reluctance on the part of the University Tenure and Promotions Committee to divulge specifics on the decision process and the record of agreement between different levels of the university.

With respect to the resolution, he referred to his earlier comments about the inadequacies of the University's grievance procedure. If we had an adequate procedure and acted correctly in accordance with it, there would be no need to involve the state grievance system. As for the argument that under current interpretations of state personnel regulations faculty would get tenure after six months of employment, this could easily be altered through the introduction of special legislation. The advantage of the state grievance procedure over the Faculty Advisory Committee's proposal is that it avoids going through the same person again and again, introduces an independent decision maker familiar with education problems into the process, is much more protective of the rights of individuals, places the burden of proof on the agency instead of on the individual grievant, has the power of subpoena to compel the disclosure of confidential material and the appearance of witnesses, is authorized to take positive remedial action such as back pay and reinstatement, and keeps adequate records.

Concluding his remarks, Professor Hedlock moved to table the resolution. The motion was seconded and approved by a vote of 38 in favor, 22 opposed.

Professor Patterson asked whether a quorum was present and Professor Weasner, parliamentarian, ruled that while indeed a quorum was lacking, the vote was valid because a call for a quorum did not precede it.

VI. New Business - None

VII. Good of the Order

Professor Ashley asked those who had commented on the grievance procedure and the resolution to submit their comments and suggestions in writing to him so that the Faculty Advisory Committee could deal with them.

Professor Harold Marshall, Lancaster Campus, inquired as to what happened to the resolution about insurance on professors' personal belongings that are located on the University campus.

Professor Felix answered that the President's Office was working on it.

Professor Marshall also stated that the Lancaster Campus has not approved the resolution but is still discussing it.

Professor Ted Cole, Biology, expressed his concern that decisions can be made in the Senate without assuring that a quorum is present.

There being no further business, a motion to adjourn was seconded and passed. The meeting adjourned at 5:15.