

11-4-1974

## Academic Council Meeting Agenda and Minutes, November 4, 1974

Barbara Dreher

*Wright State University - Main Campus*

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Date: October 25, 1974

To: Members of the Academic Council

From: Barbara Dreher, Secretary, Steering Committee

Subject: Agenda, Academic Council Meeting, Monday, November 4, 1974

COUNCIL WILL MEET AT 3:10 P.M. IN ROOMS 041, 043, 045 OF UNIVERSITY CENTER

- I. Call to order.
- II. Approval of Minutes of October 7, 1974, meeting.
- III. Report of the President.
- IV. Report of the Steering Committee (see Attachments A and B).
- V. Reports of the Standing Committees:
  - A. Curriculum
  - B. Faculty Affairs
  - C. Library
  - D. Student Affairs
- VI. Old Business:
  - A. Approval of Revised Promotion and Tenure Document for Main Campus (continued; discussion by Article). (Attachment F to June 3rd Minutes; Proposed Amendments Attachment D to October 7th Agenda)
  - B. Approval of additional amendments to the Revised Promotion and Tenure Document (see Attachments A and B).
- VII. New Business:
  - A. Approval of curricular changes/additions/deletions (see Curriculum Committee Attachment C).
- VIII. Adjournment.

BD/el

Attachments

# ACADEMIC COUNCIL

November 4, 1974

## Minutes

- I. The November meeting was called to order by Chairman Pro Tem Vice President Murray at 3:15 P.M., in Room 041 of the University Center.
- II. Approval of Minutes of October 7, 1974, meeting.

There were corrections of three words and the addition of a supplementary statement made to the Minutes, each related to Page Four, item VI.C., paragraph 4:

Line 3 should read "Library's periodical fund; this year. . . ."

Line 4 should read "from individual department library allocations."

Line 7 should read "Library periodical fund."

Mr. Zamonski added to this paragraph the following:

"This three-year policy of having a department pay the initial cost and paying the cost for the two succeeding years is in effect from now to an indeterminate time."

The Minutes, as amended, were approved by voice vote.

- III. Report of the President, Mr. Spiegel reporting in Mr. Kegerreis' absence.

A passing mention was made of a number of recommended rules and changes by the State Board of Education, with regard to the College of Education, which might affect to some degree the autonomy of the University. Should the issue become of more serious nature, Mr. Spiegel will report fully its import to the Council.

Mr. Spiegel explained, in regard to subsidy, that state-assisted universities are advised each year of the maximum monies allocated to each, based on anticipated enrollment - an enrollment charted by the Board of Regents. At this point Wright State has over-earned its subsidy by approximately \$700,000, and the administration is somewhat concerned about this. In past similar cases this amount over-earned by a university (if not overwhelming) has been paid to them, the monies balanced out by those universities whose enrollments fall short of the anticipated figures. Should this additionally earned subsidy not be forthcoming, the University would have difficulty in adhering to the adopted budget based on subsidy plus money from student fees.

In this relation, Mr. Spiegel mentioned that a large number of unbudgeted requests are coming through to him; it is not possible to go on approving them, even though there may be good reasoning behind submitting them. Discussion with the Deans concerning this has been scheduled.

This led to Mr. Spiegel's advising Council members that budget for the coming year is under consideration, and of particular interest to the faculty would be the review of

salary increases. The administration fully appreciates that a 5 - 6% increase is not going to be enough, due to the impact of inflation, but assurance was given that every avenue toward greater increase would be explored. One possibility might be the elimination of less essential services enjoyed at this time by faculty and staff. Mr. Spiegel will speak more fully on this subject at the Fall Faculty Meeting next week.

Related to the current discussion on tenure, Mr. Spiegel spoke for the administration in that there is at present no quota on the number of tenured faculty allowed per department, nor does the administration have any desire to consider such a system or to change anyone's status on the faculty. However, there might, in the future, be a time when the University would want to hire persons to teach on a limited term provision. These persons would come to the University with a clear understanding that the possibility of tenure did not exist, in fact they themselves would not desire a permanent attachment to the University. Such an affiliation would serve to protect the present tenure system in that there would not need to be a consideration of change of status of fully-affiliated faculty. Mr. Spiegel solicited thought on this matter, with suggestions or questions channeled to him or to members of the Faculty Affairs Committee.

#### IV. Report of the Steering Committee, Mr. Treacy reporting.

Due to the apparent heavy workload in the area of student affairs, the Steering Committee has named an additional member to the Student Affairs Committee, Mr. Ed Levine of the Art Department. Confirmation of his appointment by the Council will be requested under New Business.

The appointment of G. Barlow as Chairman of the University Student Appeals Board and the change of chairmanship of the Honors Committee were brought to the attention of the Council. J. Hughes will chair the latter committee.

Discussion will continue in the Committee on formulating an acceptable structure for committees and sub-committees. In an "action-oriented" administration, trying to respond quickly to needs in the University community, there is a recognized need for numerous groups, but also recognized is the need for a structuring format for those groups.

The appointment of two faculty members to the Student Information System Advisory Committee was mentioned, this committee to deal with the data base system of student files. Recent federal legislation related to confidentiality of information heightens the importance of this issue. Drs. Crum and Page will represent faculty in developing University guidelines.

#### V. Reports of the Standing Committees:

##### A. Curriculum Committee, Mr. Clark reporting.

For the benefit of new members, Mr. Clark pointed out that course change forms are submitted from department to college to the Committee, who review them and make recommendations regarding their acceptance. Should there be no challenge of the course content by another area in the University nor a particular need for

voting by the Council (such as requests for P/U grading), approval is automatic after thirty working days from date of submission.

Mr. Clark stated there has been a challenge of a Management course, Public Personnel Management, by the Political Science Department and those involved are working toward a resolution.

A listing of courses submitted to the Committee comprised Attachment C to the Agenda.

B. Faculty Affairs Committee, Mr. Skinner reporting.

The Committee has met twice since the October Council meeting. The results of some of their discussions concerning the legal status of policies will be evidenced when Council again turns its attention to the P. and T. Document.

K. Ahmad has been appointed Chairman of the Faculty Benefits and Welfare sub-committee, his first concern being to follow through on last year's discussions on an improved disability insurance.

The following faculty members will serve for the present academic year on the University Level Due Process Hearing Board:

Robert Thobaben, Political Science  
Malcolm Ritchie, Engineering  
Edward Nicholson, Management  
Earl Zwetschke, Education  
George Hess, Chemistry

Proposed membership for the Tenure Review Board (under Revised Article VII of the P. and T. Document) will be discussed with President Kegerreis and then brought to the Council for final approval.

Consideration has been given a request from a faculty member that a change be made in the faculty handbook, giving regular faculty preference in the extra-pay evening teaching assignments. This is not the case presently. No recommendation resulted from discussion in this area, but the Committee will continue to weigh the subject.

The Steering Committee has requested the Committee to review the implementation of present P. and T. procedures at the department/college level. Questions have been raised due to the varying procedures in different departments and the main question to be resolved now is whether these variations represent the meeting of a department's unique needs or whether these are of serious nature warranting recommendations toward procedural uniformity.

Meetings of the Committee will be held November 18th and 25th, and December 9th,

at 3:10 P.M. , in the Small Conference Room of Allyn Hall. Input on the subjects under discussion is welcomed.

C. Library Committee, Mr. Zamonski reporting.

The group met on October 25th, at which time Dean Frommeyer reported that an additional amount of money would be released to the Library. The figure mentioned was \$34,200, but no date was given for release.

The Committee is presently gathering informative material on the funding of graduate programs, with regard to books, and will plan to have a final report with any attendant recommendations ready for Council before the end of the current academic year.

A sub-committee has been formed whose purpose is to generate a solution to the problem of mutilation of periodicals. Chairman of the sub-committee is Ed Blakely, with faculty members Mary Lou White and John Webb, and Paula Andres, a graduate student.

Dean Frommeyer responded, at the Committee meeting, to a request for clarification of the Library's policy on ordering paperback books: at the insistence of the requestor, the Library will order paperback materials. When looking at a request for purchase, a number of points are considered: whether the book is available only in paperback form, whether it can be or needs to be bound in order to last the estimated necessary lifetime, the difference between the cost of paperback and hardbound, and whether funds for binding are available.

The Committee will meet next on November 18th and invites agenda items.

Mr. Murray supplemented Mr. Zamonski's report by affirming that the transfer of additional funds to the Library's acquisition fund has been completed, and the amount involved is a little over \$37,000. Money budgeted for summer salaries was not entirely expended, hence this additional amount being made available to the Library. Mr. Murray expressed the feeling that this will help in regard to inflation and with respect to the North Central accreditation.

D. Student Affairs Committee, Mr. Treacy reporting.

Mr. Treacy has been assured by the Chairman of this committee that they are indeed working on the multitude of issues submitted to them, but have not made sufficient progress to present a report at this meeting.

VI. Old Business:

A. Approval of Revised Promotion and Tenure Document for Main Campus; continued from previous meeting, discussion by Article/amendment.

Mr. Murray reminded members that Articles I, II, and III had been approved, and

Article IV tabled at last meeting; he turned the floor over to Mr. Skinner, Chairman of the Faculty Affairs Committee.

Mr. Skinner drew attention to the report from the Committee, their attempt to come up with answers to two questions raised concerning the legal status of two changes recommended from present P. and T. pattern. (See Attachment A.)

Mr. Skinner placed the motion -

That Article IV be taken from the table and opened for discussion.

Motion was seconded; review and consideration initiated.

Mr. Skinner continued, referring to the Committee's legality search; no statute was found directly relating to either of the questions raised at the October meeting. With reference to the first question, if certain policies on notification of non-reappointment are accepted by the Board of Trustees, written into the faculty handbook, and have been adhered to for a length of time, those policies are accepted by court as being a part of the faculty contract and therefore upheld.

Examination of tenure trends revealed that when a person has held a position for a number of years, he does acquire a "property right" and may only be dismissed for cause or financial exigency and in the latter case must be offered his position when it is again available. It follows that even though a faculty member may not receive tenure, after a number of years he does acquire this "right". The trend toward recognition of de facto tenure is real; therefore it is important that Wright State policy should include provision for a final tenure evaluation for all faculty before the end of their sixth year.

Mr. Murray suggested that the original motion now under consideration was for the approval of Article IV.

Mr. Skinner reminded Council that in the October meeting, the point of discussion was actually a proposed amendment to paragraph "F" of Article IV, a lengthening of the period of notification of non-reappointment for those faculty who have been at the University more than two years.

The Chair was in agreement.

Mr. Levine restated his October question: is there a ruling whether a faculty can pass in its by-laws a provision which extends the amount of time a person can be on contract beyond the norms; is there any legal bar to adopting new policy about the length of time a person can be employed (without incurring de facto tenure)?

Mr. Skinner expressed the opinion that if this written policy were not too far out of line with accepted norms, there would probably be no problem. However, if the policy did indeed state that a person would never acquire tenure, real difficulties could be anticipated in having this upheld in court.

Mr. Levine asked for further assurance - did Mr. Skinner actually mean that a faculty (not administration) cannot vote to change their tenure policy to have no tenure.

Mr. Skinner indicated that there are guidelines that are acceptable in the courts, and that the University, as well as any other employer, must work within the legal system.

Mr. Sachs interjected that tenure was granted faculty by the Board of Trustees who govern the University, that the faculty does not govern the University.

Mr. Levine restated his question: if the faculty voted for no tenure, the policy was approved by the Board of Trustees, would this policy be considered "legal"?

Mr. Skinner assured Mr. Levine and Council that, from what had been read, it would be illegal in the sense that if anyone challenged the policy, the challenger would have a case in court.

Mr. Nicholson requested clarification of the question, stating he had heard three separate queries: (1) can the faculty eliminate de facto tenure, (2) can the faculty set its own guidelines that might be contrary to A.A.U.P. or (3) can the faculty eliminate tenure altogether.

Mr. Levine expressed his thought that the discussion centered on the amendment which relates to the elimination of the extension of the probationary service period, which does relate to de facto tenure. He offered further clarification of his thought by stating his desire to know whether it would be "legal" for a faculty to set up its own guidelines, including a guideline allowing for the extension of a contract beyond the probationary period but stating that de facto tenure could not occur. . . . with Board of Trustees approval, could this stand up in court?

Mr. Nicholson stated that he had not been clear in his mind as to the exact content of the question. The question addressed in the Faculty Affairs Committee meeting had in essence been - whether or not the faculty could do something contrary to A.A.U.P. guidelines and "get away with it" . . . either preclude litigation or if litigation would occur, have a better chance in court. The answer reached by that Committee was that such could be done. Mr. Nicholson went on to say that the Committee did not address the issue of whether tenure could be eliminated or the probationary period could be extended beyond the seven or nine years.

Mr. Spiegel cautioned Council members not to get A.A.U.P. regulations and legality confused. Pressure to follow A.A.U.P. guidelines is the desire of universities to avoid having their names appear on the A.A.U.P.'s so-called list of "condemned universities", which can occur if they conduct an investigation in a university and find the university not adhering to A.A.U.P. guidelines. He went on to say that no one can state what would happen if indeed de facto tenure were ruled out for a particular faculty rank and someone in that rank decided after ten years service to challenge that ruling. He did point out that courts are more and more recognizing some kind of



"right" because of length of service; Mr. Skinner concurred that cases are building up in that direction. Mr. Spiegel did say that as far as he was aware, such a case had never been adjudicated in a federal court.

Mrs. Sherwin verified the fact that "labor" laws do apply to faculty - as borne out by recent labor discussions - that a complainant's chances of collecting on a suit against a university would be very good after eight years or so of service, regardless of whether he did not have tenure and aside from A. A. U. P. guidelines.

Mr. Spiegel pointed out that a tendency could be identified, but that no definitive ruling had been made in a court of law that would be binding.

Mr. Sachs recalled a case of a professor from Texas claiming de facto tenure, and the case went to the Supreme Court, where it was ruled that the university must have a formal hearing to dismiss the person. This resulted in the university refusing to have a formal hearing, paying the professor and offering him reinstatement. Mr. Sachs went on to say that he did not know of any definitive ruling of de facto tenure having been made in this case.

Mr. Skinner, after conceding that the Committee had reviewed the possibilities mentioned, returned the discussion to the amendment to paragraph F under consideration. He stated that the Committee had agreed that the earlier deadline for notification of non-reappointment would be better than the deadline now in use. The Committee, by individual assent, endorsed the amendment as offered.

Mr. Gray offered his interpretation of the question involved as being whether a faculty member could teach the seventh year without de facto tenure occurring. In order to avoid this occurrence the person would have to be evaluated at a time earlier than the present sixth year, his notification of non-reappointment given him in April of the sixth year and the seventh would be his terminal year.

Mr. Skinner agreed that would be a legal thing to do.

Mr. Levine stated that he did not object to the new time frame proposed but questioned the legality of the sense derived from that part of the amendment stating that an additional terminal one year appointment could result from a mutual agreement between a particular faculty member and the President. If that limit were extended, would de facto tenure be granted?

Mr. Skinner agreed that such a situation might be getting into an area for concern, but felt that if a full year's notice is given of non-reappointment, the situation should be clear to the faculty member.

Mr. Wachtell questioned whether in actuality the document was stating that a person must be notified of non-reappointment in the spring of his sixth year rather than by November 1st of that year as the policy now stands.

Mr. Gray felt the situation not yet clearly stated, with discussion coming from various

angles, and wondered if the point were whether or not the University could offer a contract - to someone who did not receive tenure - to teach the seventh year, thereby recognizing that person's ability to teach yet another year.

Mr. Levine interposed that it was his desire that provision be inserted in the document for such circumstances, that he fully agreed with Mr. Skinner and Mr. Sachs that unless this ~~were~~ spelled out in the document, the way was open for a court of law to step in and base judgement on precedent. He further pointed out that with clearly stated guidelines, there could be no misunderstanding on the part of an incoming faculty member.

Mr. Skinner volunteered the services of the Committee in working out some wording that would incorporate the essence of their thought and that contained in the comment written with the proposed amendment.

Mr. Sachs spoke in favor of this, expressing the general feeling that faculty are not clear what the present document "says" and what is being suggested.

Mr. Murray questioned if any Council member felt clear enough to restate the amendment.

Mr. Skinner suggested that someone might want to make an amendment and state what was needed in general terms, a vote could be taken, and then the Committee would work with that and bring it back to Council. In that way Council could make sure the document states what is desired clearly enough.

The Chair agreed that this would be reasonable guidance that the Faculty Affairs Committee should have, and asked for an amendment.

Mr. Gray placed his thought in question form: how is the University going to treat the seventh year; as presently written in the document, he felt the University has defined the seventh year as de facto tenure. Mr. Gray felt the incorporation of the Committee's comment in support of the amendment, specifying time periods when actions were due, and stating the seventh year does not constitute de facto tenure, would serve well.

Mr. Spiegel stated the University would have no objection to the person teaching the seventh year, providing he had been given sufficient notice of non-reappointment, but if given late notice, that could constitute de facto tenure.

Mr. Neve broached two suggestions: that the Faculty Affairs Committee define more clearly the possibility of a faculty person teaching the seventh year even though having received notice of non-renewal and that they define more clearly the time sequence for the procedures outlined.

Mr. Murray requested a specific motion.

Mr. Neve placed the motion -

That the Faculty Affairs Committee be asked to define the status of the seventh year for the faculty member who would not be appointed to tenure, not be given tenure, and under what conditions he would be able to teach that seventh year.

The motion was seconded and discussion on this amendment to the original amendment opened.

Mr. Iddings restated the thought - the maximum probation period is six years and a decision must be made before the conclusion of the sixth year, and the maximum for teaching without tenure is seven years.

Mr. Murray agreed, supplementing that this met A.A.U.P. guidelines.

In response to Mr. Levine's question, Mr. Murray stated this was not the acceptance of the amendment offered under date of August 18th by the Faculty Affairs Committee, but rather a motion to refer that portion of the document back to that committee for a reworking/rewording of the amendment.

Mr. Wachtell then questioned if the six years probationary period must be at this University.

Interchange between Mr. Spiegel and Mr. Wachtell brought out that the A.A.U.P. accepts the idea of transfer of years of full-time service and that guideline would apply unless a faculty member received a contract specifically stating that time would not count, and Mr. Spiegel mentioned Wright State contracts now so state. If a university accepted the transfer of three years service, for instance, the evaluation of the faculty member would occur in his department on his second year here or in the spring of his third year (according to the proposed time sequence).

Mr. Spiegel interjected that the matter has never come up here (and would not since current contracts of the University stipulate that service elsewhere is not counted toward tenure).

In answer to the query as to whether all these things must be spelled out, Mr. Spiegel felt they would not with the contracts now being used, and he would not want to make a judgement as to how the University would act in the older cases.

Mr. Murray asked if there were further discussion on the motion to refer back to the Faculty Affairs Committee the amendment proposed on paragraph F, Article IV.

Mr. Skinner felt Mr. Neve's motion and Mr. Iddings' statement had been definitive, and that the Committee would endeavor to think of the proper wording for the intent.

Question was called; motion to refer the area of discussion back to Faculty Affairs Committee was passed by voice vote without opposition.

The Chair ruled that further consideration could not be given to Article I' because

all parts are so integrated; Mr. Murray suggested moving to consideration of Article V.

Mr. Cantelupe requested, since the approval of each article is a tentative decision until the document as a whole is approved, that Mr. Correale, of the English Department, be permitted to ask a question relating to Article III.

Mr. Murray confirmed the understanding that the document in its entirety will come before Council, and gave permission for the posing of a question, with the caution that a return to Article III is not possible at this time.

Mr. Correale directed attention to Article III.A., which concerns itself with the rank of Instructor, and in particular to the last sentence of the paragraph. The question was in two parts: (1) may a department have a policy that in effect precludes the person from being promoted to the rank of Assistant Professor, and (2) is the intent of this sentence that the department define what the "unique need" is.

Mr. Skinner spoke for the Faculty Affairs Committee in answering "yes" to both questions.

Mr. Correale then indicated a tighter policy in their department, that ordinarily they did not promote to Assistant Professor, whereas this part of the document used "may" be promoted to that rank. Mr. Correale wondered if his department would be in defiance of the document by the stand it has taken.

Mr. Skinner indicated this would not be true, but would only limit to a very few those eligible for the promotion because of high standards set by the department.

Mr. Correale further brought out that his department limits to three years the time an Instructor may be employed at that rank.

Mr. Skinner pointed out that this tied in with the discussion previously aimed at designating by another name those in the category of faculty not moving toward tenure, and in some way they should be distinguished from those having a future with the University.

Mr. Cantelupe restated Mr. Correale's concern - is it possible for a department to set minimum limits within the maximum set by the University.

Mr. Skinner did not disagree that this could be done.

Mr. Spiegel felt, too, that a department has the right to be more restrictive. He pointed out that it would be difficult not to call a person "fully affiliated" who carried a full teaching load and that the person would have the rights of a faculty member while with the University.

The general feeling was that this subject needed some further thinking, and Mr. Spiegel offered that the status of a person when hired should be very clearly and definitely

defined.

Mr. Wade expressed the feeling that an Instructor in a department that did not promote instructors would have the right to ask for evaluation at the college level, and this brought to light the fact that a variety of contracts are presently being used in the various colleges, limiting time of employment and/or the possibility of promotion, and that faculty members are made aware of those limitations when hired.

Mr. Iddings assured Mr. Correale that a contract can spell out special conditions of employment and this would not be precluded by the document.

The Chair ruled that discussion would move to Article V.

Mr. Skinner placed a motion -

For the approval of Article V. Specifications for Promotion, Tenure, Appointments.

The motion was seconded; there was no review or discussion on Article V, and Mr. Murray called for a vote.

Article V was passed by voice vote.

Mr. Skinner moved for -

Approval of Article VI. Procedures for Faculty Promotion and Tenure.

The motion was seconded, and Mr. Gray opened discussion by requesting clarification of the last sentence of paragraph C related to the exclusion of administrators from the University Promotion and Tenure Committee. He wondered if this pertained to department chairmen, or if they were considered "faculty" rather than "administration".

Mr. Murray reviewed past precedent, allowing department chairmen to be elected to that committee; Mr. Skinner affirmed, and projected a continuation of that viewpoint.

Mr. Skinner brought attention back to the recommended amendments to this Article, that the natural progression should be from paragraph A through F.

Mr. Skinner moved for -

Approval of the amendment of paragraph A (page 2, Attachment D to the October Agenda).

Mr. Sachs seconded the motion.

Mr. Martin offered an amendment to the amendment -

That the department chairman would not normally be the chairman of the (department promotion and tenure) committee but this should

be designated to a senior faculty member.

Mr. Treacy seconded the amendment to the amendment.

It was pointed out that the amendment was in truth an additional statement, to be inserted in the proposed amendment following the first sentence.

It was mentioned that the Department Promotion and Tenure Committee should choose its own chairman.

Mr. Treacy withdrew his second, in favor of seconding the reworded motion by Mr. Martin -

The chairman of the Department Promotion and Tenure Committee will not be the department chairman but the chairman will be chosen by the members of that promotion and tenure committee.

Mr. Roehm questioned if this would affect the proposed amendment in that area stating "The Department Chairman is responsible for transmitting all positive recommendations.....".

Mr. Martin asserted his motion would not affect this, that the department chairman would still have that responsibility, but his motion was aimed at preventing the department chairman from exerting undue influence in the position of chairman of the promotion and tenure committee of his department.

Mr. Treacy spoke in support of the motion, pointing out the dual role forced upon the the department chairman who acts as chairman of the promotion and tenure committee for while he must "push the decision of that committee", he must also act as counselor to the affected faculty member.

Against the amendment was the opinion offered by Mr. Iddings that this implied a particular structuring of the department committee, opposed to the sense of the first sentence of the Faculty Affairs original amendment.

While Mr. Levine supported the idea set forth by Mr. Treacy, he felt more acceptable was Mr. Iddings' stand that chairmanship should be resolved under the departmental structuring prerogative. He felt the best interests of each individual department could be served by that department's decision on eligibility for chairmanship of their own promotion and tenure committee.

Mr. Murray called the question and the motion to amend the amendment failed by voice vote.

Discussion returned to the original amendment offered by Faculty Affairs.

Mr. Levine offered a motion -

That the phrase "subject to the conditions of Section VI. E." be deleted from the first sentence of the proposed amendment.

The motion was seconded.

Mr. Levine spoke in support of his motion: item "E" deals with the qualifications for membership of promotion and tenure committees, which Mr. Levine stated were too restrictive, this again being a decision best reserved to the particular department and not dictated to it.

Mr. Skinner pointed out that should this deletion be made, the thought would still remain in item E. It was suggested that if major changes were to be considered in item E. the appropriate time to move for them would be when that item is under review. It was also brought out that a departmental promotion and tenure committee could encompass the entire number of department members.

Mr. Sachs went on record as being against the deletion, and Mr. Nicholson stated that if the body amended item A in this respect, it might be in contradiction with other parts of the document. He supported Mr. Skinner's suggestion that if some specific change was desired in item E, to consider it at that time without introducing some broad change in item A.

Mr. Levine reiterated his stand that a department should have the right to do what is right for that department only, whether in reference to committee chairmanship or composition.

Mr. Beljan felt the intent expressed in item E was one of perpetuity of the committee selected, with the correlated thought that the rules and procedures were also in perpetuity. He questioned if that was the intent.

Mr. Skinner asked if he meant - would the same committee exist always.

Mr. Beljan agreed this was his query.

Mr. Skinner acknowledged the possibility of that happening if a department wanted it so, but that he hardly would expect that to occur.

Interchange between Mr. Beljan and Mr. Skinner brought out that a department could (and in some cases have) set up more than one committee: a group of tenured professors would consider candidates for promotion to full professorship; a group of tenured professors and associate professors would review evaluations leading to the rank of associate professors, etc., the varying requirements for promotion being the basis for such structuring.

Mr. Nussbaum expressed his feeling that Mr. Levine was not receptive to the idea of tenure; Mr. Levine denied this and stated his concern is for each department in its relation to the document as presently written.

Mr. Murray questioned those in favor of the motion to delete, as placed by Mr. Levine.

The motion to delete the phrase in the amendment failed, by voice vote.

Returning to the original amendment, Mr. Gray questioned why the word "positive" had been inserted in the sentence "The Department Chairman is responsible for transmitting all positive recommendations. . . . .", when the original document did not have this word.

Mr. Skinner responded that the Faculty Affairs Committee members had wondered about that point. The basis for inserting the word was the relatively large number of negative recommendations resulting from the need to review each department member yearly toward the goal of promotion. The decision on whether the negative recommendations would be transmitted rests with the department, depending on the degree of negativity; where the need for support of a higher authority is felt, such a decision would go forward but in some cases of termination of appointment, the person involved was notified and that ended the procedure. Further clarification was offered by reference to the last sentence of the amendment, that in the case of negative recommendations, the involved faculty member is also apprised of alternative procedures available to him at that point in time.

Professor Franklin was recognized by the Chair, his purpose in speaking to bring out an error in phrasing in the amendment offered for item A, Article VI.

Mr. Franklin felt the intent of the Faculty Affairs Committee was not accurately expressed in the first sentence of the proposed amendment, but that it should read "Each department shall form its own Promotion and Tenure Committee, and shall set up its own. . . .", deleting the words "each committee".

Mr. Beljan confirmed this as being part of his previously expressed concern.

Mr. Skinner placed the motion -

To delete the words "each committee" from the first sentence of the proposed amendment under consideration.

Mr. Treacy seconded this motion, and Mr. Murray called the question.

The motion for this deletion was carried by voice vote without opposition.

Mr. Neve posed the question as to the inclusion of the faculty member under consideration in the notification covered by the last sentence of the amendment. Affirmation was given that this indeed was the person to whom "notification" referred.

Mr. Neve placed a motion -

To change the last sentence of the amendment to read "Faculty members,



including the individual under consideration for tenure, shall be notified.....".

Mr. Murray suggested rewording of the motion to read -

To change the last sentence of the amendment to read "Faculty members under consideration shall be notified.....".

Mr. Neve agreed to this; the reworded amendment to the amendment was seconded.

The motion to insert the words "under consideration" as above was passed by voice vote.

Mrs. Sherwin suggested the need for a different wording in place of "alternative procedures" in the last sentence of the amendment, offering "due process procedures" as a possibility (since alternative procedure might just be to "get another job"). After brisk discussion, Mrs. Sherwin placed the motion -

To insert the word "all" immediately before "alternative procedures", in the last line of the amended amendment.

The motion was seconded.

Mr. Sachs offered the possibility that the department chairman might not know of "all" procedures.

Mrs. Sherwin felt that a department chairman should have a knowledge (or list) of procedures available within the University.

Mr. Treacy attempted clarification of Mrs. Sherwin's thought, offering that perhaps she meant that the faculty member should be made aware of his right to appeal a negative decision; Mrs. Sherwin agreed that this was what she had in mind.

Mr. Wade withdrew his second to the previously offered motion; Mrs. Sherwin withdrew her motion.

Mr. Wade followed Mrs. Sherwin's intent by offering a motion -

To add to the final sentence of the amended amendment, so that it will read ".....in case of negative recommendations, which may include appeal to the college committee for promotion."

Point of clarification verified by Mr. Wade that this does mean "for promotion and tenure".

The motion was seconded.

Mr. Sachs questioned how this would apply to the College of Education, having no department but rather divisions.

Mr. Wade stated that in that college, one has the right to appeal to the college level committee, if turned down by the committee at the division level.

Mr. Nicholson then pointed out that the word "may", used in this sense, could imply that the right to appeal might be closed to the faculty member and expressed the thought that "would" might better be substituted for "may".

Mr. Wade accepted the word substitution in his motion; the Chair ruled this acceptable.

Mr. Murray called the question.

The amendment to the amended amendment passed by voice vote.

Mr. Murray read to Council the proposed amended amendment:

Each department shall form its own Promotion and Tenure Committee, and shall set up its own operational rules and procedures, subject to the conditions of Section VI. E. The Department Chairman is responsible for transmitting all positive recommendations for promotion and/or tenure, along with his own evaluation of the recommendation (which shall address particularly the effect of the recommendation on the department as a whole) to the College committee. Faculty members under consideration shall be promptly notified by the Department Chairman of the action of the departmental committee and informed of alternative procedures in case of negative recommendations, which would include appeal to the college promotion and tenure committee.

Mr. Murray called for voting on the amendment, as amended.

The amendment to paragraph A of Article VI was passed by voice vote.

The motion was entertained to continue discussion on the Revised Promotion and Tenure Document at the December meeting of Council.

This motion was seconded; passed by voice vote.

#### VI. Old Business:

- B. Approval of additional amendments to the Revised Promotion and Tenure Document (Attachments A and B to the November Agenda).

Mr. Murray pointed out that material covered in the attachments would be dealt with

as part of the continued discussion at next meeting.

VII. New Business:

A. Approval of curricular changes/additions/deletions.

Mr. Treacy reminded everyone that these are submitted for "information only" under the accepted procedures for Curriculum Committee, with the exceptions as noted earlier by Mr. Clark.

B. Mr. Treacy asked for confirmation by Council of the appointment of Mr. Levine to the Student Affairs Committee, by placing a motion for same.

The motion was seconded, and passed by voice vote.

VIII. The meeting was adjourned at 5:10 P.M.