

INDIANA UNIVERSITY SENATE MEETING - MAY 9, 1972

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INDIANA UNIVERSITY OF PHARMACY

The meeting of the Indiana University Senate was called to order by Chairman Lorrie Bright at 4:10 PM on Tuesday, May 9 in McVitty Auditorium. A quorum was present.

Roll was called in order to send absentee ballots for the office of vice chairman, as provided in the constitution.

Senator Green moved that the minutes of the April 25 meeting be accepted. Seconded by Dr. Sahli. Minutes were approved.

I. Old Business:

Senator Rife, Chairman, Committee A (Rules) gave the second reading of the proposed amendment to the constitution:

"Seventy percent of the membership of the University Senate shall constitute a quorum" should be amended to read: "A mathematical majority of the membership of the University Senate shall constitute a quorum".

When asked what the purpose of this amendment was, Senator Bright replied that the Senate can do business with fewer people present. The present 70% requirement for a quorum is unreasonably high.

Amendment passed. The amendment will be submitted to the faculty and administration for ratification.

II. Committee Reports

Committee A: Senator Rife, Chairman, submitted nominations for vice chairman:

Marsha Mrozek
Sue DeMark
D. Eisen

The name "J. Lepley" should be stricken from the ballot; there is no such person. The present vice chairman will graduate and the constitution stipulates that the office of vice chairman should run concurrently with that of the chairman. Dr. Reiber moved to close nominations and on a second by Senator Bosnick, motion passed. Voting was held, ballots collected, and report will be made when absentee ballots are returned.

Senator Rife reported that President Hassler asked Committee A and the Senate to manage election of the faculty segment of the President's cabinet. Two positions are open. Ballots will be mailed to every faculty member. The following nominations have been received:

Bert Smith, Political Science
C. W. Faust, Classical Romance Languages
& Chinese
Dennis Bartha, Elementary Education.

The following were nominated from the floor:

Dorothy Lucker, English
Wallace Morrell, Mathematics

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Further nominations received by Wednesday, May 10 at 5 PM will be included.

Senator Rife then presented the following:

The nominating committee moved that election for the student member of the Senate will be conducted by S.G.A. before the first Senate meeting in the fall of 1972. These members shall be included on the slate for presentation to the Senate for election to fill committees which will not have full student membership.

Senate action is not required; this is a request to include student members who may be ignored. Senator Cimino suggested that the words "conducted by student segment" should replace "conducted by S.G.A." Senator Bright replied that if the sense of Committee A is acceptable to the Senate, the wording need not be changed for no vote need be taken on the report.

Senator Rife then presented the following report for information:

Concerning the matter of non-senate members addressing the Senate, it was decided that the procedure will follow Robert's Rules of Order, i.e., that there must be a motion to suspend the rules, which motion must be passed by a majority of 2/3 of the Senate in order for permission to be granted.

Senator Ferrara asked that the following statement be a part of the minutes:

Committee A's ruling relative to allowing non-Senate members as speakers before the Senate resolves the procedural question of whether the Senate can or cannot allow such speakers. It can-- by suspending the rules.

The further question is: will the Senate exercise this right?

It is necessary that we recognize that the arguments which have been presented concerning whether we exercise this right are subject to debate, and we should recognize that arguments do exist which would urge the utilization of what is the Senate's right. Arguments which stress the dangers of setting precedents, or which point to what other senates do or do not do are not absolute.

Each case can be decided separately, thereby disallowing an indiscriminate policy; university senates are not national or state senates; the closeness of the university community and the possibility of fostering a better rapport among different segments of the university community suggests the wisdom of suspending the rules on occasion; the uneven representation accorded different groups within the university would seem to indicate the desirability of utilizing the device of suspending the rules on occasion. Finally, the possibility of presenting material before the Senate not presented through committee, or which seems to require a personal presentation before the full

Senate by an expert on the question appear as reasons for suspending the rules on occasion.

While the procedural question has been resolved by the Rules Committee, the application of the rule must rest with the collective wisdom and conscience of the Senate. My comments are made so that arguments other than those presented in the Senate at the last meeting may be heard.

Senator Rife stated the committee report directs a suspension of the rules when the occasion warrants. Senator Rife then thanked all the members who worked with Committee A during the year and stated that every item that has gone to a Senate committee (except in the last two weeks) has been acted upon.

Committee B: (Academic Affairs), Senator Green, Chairman, moved that the Senate table four items on the agenda, namely:

8. Econ. 333, Regulation of Industry, 3 credits
9. Econ. 334, Economics of Corporate Decisions, 3 credits
10. Econ. 371, Labor Law, 3 credits
11. Econ. 372, the Economics of Wages and Employment, 3 credits

Another department is presenting another course proposal with some conflict with these courses, and the committee wishes to restudy the proposal. Motion seconded by Senator Boone. Motion passed.

Senator Green then moved for the adoption of the following items:

1. A Journalism major sponsored by the English Department
2. English 105, Journalism and the Mass Media, 3 credits.
3. English 223, Photojournalism, 3 credits
4. English 323, Editing and Management, 3 credits
5. Bio. 350, Cellular Physiology, 3 credits
6. Bio. 446, Dendrology, 3 credits
7. Bio. 489, Literature of Biology, 2 credits (to be offered in Summer only).
12. Econ. 381, Regional Economics, 3 credits
13. Econ. 382, Urban Economics, 3 credits
14. Course Deletions:
 - a. Bio. 121, Invertebrate Zoology
 - b. Bio. 122, Vertebrate Zoology
15. Semester Hour and Course Number Change: Bio. 341, General Physiology, 3 credits to Bio. 441, General Physiology, 4 credits.

Seconded by Senator Yenchko. Motion passed.

Committee B also wishes to inform the Senate of the following Committee resolution:

Committee B resolves not to review any proposal for a new program which includes a major requirement of more than the University approved 36 credit hours or to receive for consideration any new proposals for required courses which would

increase total department requirements above the University limit of 36 credit hours.

Senator Berry stated that a problem reoccurs in every new curriculum proposal, caused by the 36 hour limitation and he suggested the committee submit a review of the impact of the credit hour regulation on department basis.

Senator Green replied the committee may review the entire matter of the curriculum soon, but that the committee has said in effect they will not accept a radical change without first reviewing the entire curriculum.

Senator Tompkins said that what Committee B should consider would be established by the rules of the Senate rather than by Committee B, and that he is disturbed that the Committee reports to the Senate and may not listen to exceptions.

Senator Green replied that Committee B would review a request to go beyond 36 hours if there was a critical need.

Senator Murdock asked ^{if} there is a proposal that goes beyond 36 hours, whether Committee B will review it. If so, then line 1 of the report is contradictory.

Senator Green said the committee would be very reluctant to review, but if the department presented the problem to Committee B, they will reluctantly accept a proposal beyond 36 hours but this may precipitate a review of the whole curriculum. Senator Bright then clarified the matter by stating that there was a reluctance, but not a refusal, to review. Senator Marks then asked if the department chairman is to believe this statement or the one of more rigidity? Senator Green replied that Committee B does not fear to negotiate, but would be reluctant to review.

Senator Green then moved the approval of the following courses:

1. Econ. 351, Soviet Economy, 3 credits
2. A revision of the Mathematics Curriculum for Mathematics Education Majors. This curriculum will require a minimum of 34 hours in addition to Computer Science 110.
3. A revised list of Natural Sciences and Mathematics General Electives for General Education.

***Biol. 261 Ornithology	Math 011 Elementary Functions
***Biol. 262 Entomology	Math 013-015 Calculus for the Natural
***Biol. 271 Evolution	and Social Sciences
***Biol. 272 Conservation of Plant	Math 362 Probability and Statistics
and Animal Resources	
***Biol. 362 Ecology	Sci. 111 Science & Modern Civilization
	The Growth of Science and Its
CSci. 100 Intro to Computing	Concepts I
CSci. 110 Computer Science I	Sci. The Growth of Science and Its
***CSci. 130 Computer Science II	Concepts II

Geos. 110 General Astronomy
 Geos. 111 Solar System
 Geos. 112 Stellar Astronomy
 Geos. 213 Navigation
 Geos. 223 Paleontology
 Geos. 225 Geology of Pennsylvania
 Geos. 231 Mineralogy
 Geos. 241 Meteorology I
 Geos. 247 Intro. to Oceanography

*Phys. 472 Modern Physics
 *Phys. 222 Mechanics I
 *Phys. 242 Optics
 *Phys. 342 Heat & Thermodynamics
 *Phys. 231 Electronics

LABORATORY SCIENCE

Biol. 103 General Biology I
 Biol. 104 General Biology II
 Chem. 111 General Chemistry I
 Chem. 112 General Chemistry II
 Geos. 121 Physical Geology
 Geos. 122 Historical Geology

Phys. 111 Physics I and Phys. 121
 Physics I Lab
 Phys. 112 Physics II and Phys. 122
 Physics II Lab
 Phys. 131 Physics I C and Phys. 141
 Physics I C Lab
 Phys. 132 Physics II C and Phys. 142
 Physics II C Lab

Sci. 105 Physical Science I
 Sci. 106 Physical Science II

*Requires Prerequisite of Phys. 111-112 or Phys. 131-132
 **Requires Prerequisite of CSci. 110
 ***Requires Prerequisite of Biol. 103-104

Seconded by Senator Bosnick. Motion passed.

Committee C: (Tenure, Promotion & Academic Freedom), in the absence of

Dr. Saylor, Chairman, Senator Stapleton moved that the Senate approve the award of tenure to two individuals who were previously granted an extension of probation for an additional year. Seconded by Senator Oliver.

Senator McGovern said that the department concerned here is an arts and sciences department; that senators from the department involved could not be present, and moved to table this report by reason of their absence; they feel the department is very much affected by this report. Motion seconded by Senator Waechter.

Senator Bosnick asked, as a point of information, and in view of the allegations and rumors, if the names could be released.

Senator Oliver said there are some technical questions regarding tabling this matter; since there is a Board of Trustees meeting this coming Friday, if the Senate takes no action now, there will be no consideration until next fall; next fall would be beyond the time needed to issue a terminal contract.

Senator Bright said a motion to table is non-debatable and requires a simple majority vote.

The motion to table was defeated.

Senator Reiber said that most people would like to know what the department committee decision was. It is important that there be no precedent set.

Senator Stapleton replied that permission of the chairman of the department would be required, thus revealing the name of the department. In October, the Senate voted to avoid use of names of persons and departments involved in personnel actions.

Senator McGovern asked to what extent the matter could be discussed and what guidelines applied.

Senator Bright reported Committee C (in caucus) had agreed to discuss the action without naming names or departments. He ruled that if the Senate wishes names, Committee C must submit these names upon deciding vote of the Senate. In that case, the Senate must be cleared of visitors before the discussion.

Senator McGovern asked if, under these guidelines, the Senate would accept information he had received from the department.

Chairman Bright ruled, that, because of the absence of senators from the department in question, the Senate would.

Senator Stapleton reported that in October the department tenure committee had voted to extend probationary status for one year to the persons involved. Committee C concurred and this action was forwarded through channels to the Board of Trustees. Recently, the department voted to deny tenure to those two people. Committee C then met on May 2 to act on the department recommendations and made this recommendation:

Since the department does not present evidence of teaching incompetency in either case and human relations problems were insignificant, the denial of tenure is unacceptable. Committee vote was 5 ayes, no naves, one abstention. The committee therefore now recommends that tenure be granted to both.

Senator Fredricks asked why the Committee did not recommend tenure instead of probation at its November meeting and why their recommendation was later rescinded.

Senator Stapleton replied that much new information was presented to the committee.

Senator McGovern made the following statement:

The department is very much concerned about the issue and the impact of the recommended decision on the department. He said

the summary presented by Dr. Stapleton is adequate.

There are two issues: the central one is the relationship between Senate Committee C in matters of tenure award recommendations and the tenured faculty of a department acting as a tenure committee-- and in this particular case, the committee having its view endorsed by the department chairman. In my opinion, a basic concern is the possible further erosion of chairmanship and tenured faculty voice in matters very close to the heart of all faculty members.

A secondary issue is the mode of operation of Committee itself.

Both issues are complicated by the times we are in. We cannot turn necessarily to old Senate precedent as a pattern in the present situation. Between that time and the present has come Act 195, APSCUF, uncertainties about current collective bargaining and the upcoming agreement. These bear upon the relationships of APSCUF, Committee C, tenured faculty, department chairmen, and the faculty members considering themselves aggrieved.

In the present case, the department is concerned that APSCUF was present during Committee C deliberations. I have been told this was true by the department. I think the presence was endorsed or approved by the chairman of Committee C on the basis of a letter written to President Duncan by Mr. Whiteside. The letter established the right of APSCUF to be informed in grievance matters and to be present at any meeting which the administration holds in matters of this sort. I am not clear as to whether meetings of the administration means Committee C as agents of the administration. The department was also concerned that, without prior knowledge of the presence of APSCUF, members of the departmental tenure committee were invited to appear before Committee C.

The members of the departments were also concerned about the presence of the two aggrieved faculty members. I am told there was questioning of them by the untenured members and that the department's tenured faculty members felt that there was an air of hostility and an inquisitional tone to the hearings in contrast to just fact-finding.

I see, therefore, two issues here: 1. the mode of operation of Committee C; 2. the fundamental question that pertains to the nature of tenure and the relationship of Committee C to the department.

It was announced that the Committee C vote was 5-0 and one abstention for cause. You have the right to know that the department tenure committee vote was 11-1 with no abstentions, and that this position was held throughout the hearings.

There is enough in the present case to make endorsement of Committee C inappropriate. The department feels it was

being pressed into tenure grant by the circumstances. An extended year seems preferable. There is precedence for the extended contract, and Committee C acknowledges this. As far as extension is concerned, there is no difficulty with the contract. The faculty member would be given a contract similar to that which all receive; it would not be a terminal contract. It would be a contract for an additional year during which continued evaluation would be made. An argument has been advanced by Committee C that this action would merely extend for one year a present problem.

The idea seems to be that if during the year tenure were granted no issue would remain, but if, on the other hand, the opposite decision would be recommended by the department, the same problems would exist. I do not see that. I think what the department has been doing from the beginning has been trying to work out a problem fairly and to be humane. I think the department has recognized the lack of perfection in its own standards and in its processing methods. The department has asked for more time, and in my own opinion, I do not think that the granting of such is prejudicial to the faculty members involved. Thank you!

Senator Oliver felt it would be appropriate for Committee C to reply.

Senator Stapleton replied that the original decision of Committee C was to extend the probational contract for one year, but this was not acceptable to the faculty members involved. They pressed for action to grant or deny tenure. It was on this basis Committee C proceeded. To quote from a letter: "In the judgment of Committee C reached after hearings, this case does not meet the committee's standard of 'extraordinary circumstances' which the committee uses as a provision for prolonging the probationary period." The question of human relations was vague and not overwhelming. The department vote which was reported by Dr. McGovern was never reported to Committee C. Therefore, the committee could not report it. As regards the air of hostility and inquisitorial tone, discussion of this matter was denied by Dr. Hassler at a meeting on Friday and it was agreed that no mention of this should be made. The members of the departments in question who were invited to attend the meeting of Committee C could have refused to appear or withdraw at any time, and one of them did so.

Senator Oliver said there was a question in Dr. McGovern's statement about the procedures, particularly the presence of APSCUF. He did not believe this was unfair. The department could have invited others to attend, also. Members of the department were there. The committee felt they should hear the charges by the non-tenured faculty. The committee did not want to take testimony in secret. He thought Committee C was as fair, just, and objective as it possibly could have been.

Senator Bosnick said that student members of the department reported that faculty evaluations showed the two faculty members in question compared favorably with others in their teaching competence, knowledge of subject, etc., Competence is the central issue, rather than personality

difficulties. If we are going to gain recognition as a university by excellence in teaching, then we must keep members of the faculty who have been deemed competent. The objections raised by the departmental tenure committee weren't substantial enough to deny tenure. The students felt the same way.

Senator Eisen questioned the status of the two individuals if this motion should be defeated.

Senator Stapleton replied that the Board of Trustees on December 3, 1971, voted that the extension of probation in these cases may be reviewed by Committee C in joint hearings and any resultant recommendations submitted through prescribed channels for ratification. If no further recommendations of Committee C are received by the Senate, the action by the Board of Trustees will hold.

Senator Eisen asked if the subject of tenure could be raised again next year.

Senator Stapleton replied that there is strong evidence that the Administration has circumvented Committee C on at least one occasion, turning a probationary contract into a terminal contract.

Senator Hazley asked if it is still the feeling of Committee C that this matter should be decided now at this meeting, or if it would be feasible to continue this matter at another meeting next Tuesday?

Senator Oliver replied that there would be the problem of getting a quorum. The issue would pass into the summer and be left up to the administration to decide.

Senator Hazley said there was a great deal of material presented today. It might be best once again to table and call a special meeting for this matter next Tuesday.

Senator McGovern commented on Senator Stapleton's remark to the effect that the administration has taken no position--this is not an issue between the administration and faculty. There is no necessary connection with any other incident and this must be considered in its own context.

Senator Stapleton commented that, granting what was said, still the case in question referred to as involving a change of contract casts a pall over this case.

Senator Strawcutter commented that the question is not whether Committee C or the Senate can now decide something. The issue is to decide whether or not to sanction the decision Committee C has reached or to decide the matter in the Senate. The latter requires much more evidence.

Senator Rife cited the constitution and by-laws to the effect that they do allow a committee to call in any witness or advisor. Therefore, the procedure of Committee C is acceptable. His outside opinion was that

the members of Committee C were not hostile or inquisitory. Next, he was concerned about departmental autonomy, but if Committee C feels a bad decision has been made, how can a faculty member be protected from a bad decision from the departmental tenure committee?

Senator Bright reported that Committee C is willing to give the Senate a week's time to consider and Senate can meet next Tuesday at this time.

Senator DeMark asked if the Senate were given another week, what facts and evidence would be given to study the case.

Move to limit debate passed.

The motion could not be voted upon because there was no longer a quorum. Meeting adjourned at 6:15 PM to be continued again next Tuesday, May 16 at 4 PM.

Submitted by



Cleo McCracken
Secretary