

FACULTY SENATE MINUTES

March 25, 1975

The Faculty Senate met on Tuesday, March 25, 1975, at 2:00 p.m. in Room 101, Nursing Building. The following members were absent: D. Collins, Bell, W. Collins, Davis, Moeller, Rees, McGee, Gantt, P. Adler, Ross, and Hampton. The following alternates were present: William Smith, Tora Larsen, Terri Malmgren, Tom Johnson, and Judith Donnalley.

The minutes of February 18, 1975 were approved with the following additions: (1) On page 2, add as the last sentence on the paragraph preceding Unfinished Business "Mr. Ferrell pointed out that the Senate's action in changing the Geography Department Code on the floor of the Senate was contingent upon the agreement of the Geography Department to the changes." (2) On page 4, line 15 from the top, the sentence should read "It was brought out in general discussion by the Senate that this would be a fund for permanently-tenured faculty but non-tenured faculty would be expected to chip in."

SPECIAL ORDER OF THE DAY

For the election of a delegate to the U.N.C. Faculty Assembly, the Chairman asked for nominations from the list of eligible candidates attached to the agenda. He noted that Mr. Grossnickle was eligible for re-election. The following were nominated for delegate: Philip Adler, Tora Larsen, Fred Ragan, James McDaniel, William Grossnickle, Anne Briley, Carl Adler, Loren Campion, Patricia Daugherty, Frank Motley, and Ray Martinez. Mr. Hoots moved nominations be closed. Mr. Brown seconded. There was no majority on the first two ballots. Carl Adler and Ray Martinez withdrew after the second ballot. On the third ballot, Patricia Daugherty was elected delegate to the U.N.C. Faculty Assembly. Mr. Ferrell and Dean Capwell acted as tellers.

The floor was opened for nominations for two alternates to the U.N.C. Faculty Assembly. The following were nominated: Fred Ragan, Ralph Rives, Loren Campion, Vila Rosenfeld, James McDaniel, Donald Sexauer, Ledonia Wright, Frank Motley, and William Grossnickle. Mr. Grossnickle withdrew. The Chairman ruled that the first to receive a majority would be the second alternate, the second to receive a majority would be the third alternate. If two or more majorities were received on one ballot, the one with the largest majority would be the second alternate and the one with the next largest majority would be the third alternate. There was no majority on the first ballot. On the second ballot, Fred Ragan received 37 votes to become second alternate and James McDaniel received 29 to become third alternate. Mr. Grossnickle and Dean Capwell served as tellers.

The Chairman asked for nominations to the Nominating Committee, noting that those nominated must be Senators. The following were nominated: Robert Woodside, Robert Brown, Robert Gantt, Artemis Kares, Vernie Wilder, Pat Daugherty, and Dixie Koldjeski. Mr. Donnalley moved nominations be closed. The motion was seconded and passed. The Chairman noted that the committee was to have five members and instructed the members of the Senate to vote for five. Woodside, Brown, Kares, and P. Daugherty were elected on the first ballot. There was not a majority on the second ballot. Koldjeski was elected on the third ballot. The Chairman asked Ms. Pat Daugherty to serve as chairman of the Nominating Committee. The Chairman expressed the appreciation of the Senate to Mr. Grossnickle, Mr. Ferrell and Dean Capwell for serving as tellers for the elections.

The Chairman announced the appointment of Thomas Evans to replace Frank Murphy on the Admissions Committee and the appointment of William Cherry as alternate.

Mr. Woodside announced that the Annual Reports of the Senate committees are due May 14, 1975.

The Chairman read excerpts from letters to Keats Sparrow in the English Department from Rep. Sam D. Bundy, Rep. H. Horton Rountree, and Senator Vernon E. White in reply to his letters concerning the Advisory Budget Commission's recommendations concerning raises. (See attachment). Mr. Caspar asked if the minutes could be sent to all the campuses so that they can see these replies.

Mr. Woodside also read a letter from Chancellor Jenkins concerning the Computer Committee established by the Senate. (See attachment). Mr. Keusch requested that the letter be included in the minutes. Mr. Woodside stated that he was referring the letter to the Committee on Committees. Mr. C. Adler spoke in behalf of the Committee on Committees and stated that the committee did send the charge to the appropriate administrative official and had received no comment and thus were not aware that they were in error.

The proposed dates for the Faculty Senate and Agenda Committee meetings for 1975-76 were approved by the Senate (see attachment to the Faculty Senate Agenda for March 25, 1975).

Mr. Ferrell presented the report of the U.N.C. Faculty Assembly (see attachment). He commented that everyone quoted a higher authority for authority. At a meeting with representatives of the Board of Governors, the members of the Faculty Assembly were impressed by their receptivity; and any arguments were with representatives of the General Administration.

The Chairman read a proposed amendment to Chapter Five of the University of North Carolina Code which, if adopted, will make it a policy of the Board of Governors that each campus will have a Faculty Senate or a Faculty Council.

UNFINISHED BUSINESS

There was no unfinished business.

REPORT OF COMMITTEES

A. Curriculum Committee. Mr. Grossnickle presented the revision of the B.S. degree in Institution Management (see University Curriculum Committee Minutes of 2/6/75 and 2/20/75). The Senate approved the revision.

B. Committee on Committees. Mr. C. Adler presented the change in the Career Education Committee charge (see attachment to Faculty Senate Agenda for March 25, 1975). He stated that the change had been requested by the Career Education Committee. Mr. Keusch stated that the committee can recommend the correction of duplication of courses to the proper people. Mr. Johnson, as past chairman of the Career Education Committee, stated that the committee felt this was in direct conflict with the Curriculum Committee. The Senate approved the change.

C. Governance Committee. Ms. Anne Briley presented the three proposals of the Governance Committee (see attachment to Faculty Senate Agenda for March 25, 1975). Ms. Briley noted that in October the Governance Committee had been charged to study the Graduate Council for information. Members of the committee visited Dean Boyette who was receptive. The study revealed that terms on the Graduate Council vary and that some of the members were appointed. Mr. Caspar asked if Graduate Council meetings were open to Graduate faculty. Ms. Briley replied that according to Dean Boyette they were. The four recommendations under item number 1 were approved by the Senate.

Ms. Briley stated that the second item recommending a change in the By-laws was for information and according to the constitution will be voted on in April. It was felt by the Governance Committee that the immediate past chairman has gained much expertise which is not used after he moves out of office.

The third item is a constitutional change which must be voted on in the fall by the General Faculty after the Senate approves the change. The Senate approved the change

D. Ad Hoc Screening Committee. Mr. Loren Campion presented a report of the Ad Hoc Screening Committee (see attachment). Ms. Donnalley felt the changes made in the Library Science Code were big and not just a matter of interpretation. Mr. Campion stated that if the unit head cannot apply department policy he must explain why to the department. It was pointed out that "advise" does not appear in the final code approved by the Board of Trustees. Mr. C. Adler moved that the Chairman of the Faculty appoint a committee to meet with the Chancellor to discuss methods to standardize procedures to handle unit codes. Ms. Kares seconded. Mr. Ross stated that what is done by the department should be approved or else disapproved with recommendations and sent back to the department for rewriting so that the department does approve. The question was called. Mr. Adler's motion passed. The Chairman appointed Campion, J. Donnalley, Ross, Kares, and C. Adler. Mr. Martinez asked if the word appointment in the preamble meant reappointment. Mr. Ross commented that reappointment is to appoint again. Mr. Reep moved to direct the Committee to ask Chancellor Jenkins where the Geography Code has violated the mandate of the Board of Trustees. The motion was seconded by Mr. Caspar and passed. Mr. Johnson moved that the report of the Ad Hoc Screening Committee be received with the thanks of the Senate and that they proceed with screening of codes. Mr. C. Adler suggested that if the Screening Committee waited it might save a lot of work. Mr. Ferrell stated that we are getting close to telling departments what to put in their codes and also that it is incorrect for the Ad Hoc Screening Committee to tell departments what they think the Chancellor will say. Mr. Johnson's motion passed.

Mr. Woodside stated that he had been asked whether a department chairman can vote on his own evaluation. The Chair ruled that the department chairman can vote on his own evaluation since all faculty with the right to vote can. Mr. Ross stated that he thought that if the Chairman voted then it should be so noted. Mr. Reep commented that the Faculty Manual stated that a person cannot vote on a close relative; therefore, why can they vote on themselves. The Chairman noted that he has under advisement the problem of whether temporary replacements can vote.

NEW BUSINESS

Ms. Wilder moved to accept the Semester-Quarter Referendum (see attachment to Faculty Senate Agenda for March 25, 1975). The motion was seconded. Mr. Ferrell moved that "early" appear everywhere semester appears on the ballot. Mr. Martinez seconded. Mr. C. Adler stated that the decision on early should be decided after the referendum. Mr. Ferrell and Mr. Martinez withdrew the motion. It was stated that Western Carolina and Appalachian State have switched to the semester system leaving ECU as the last unit on the quarter system after next year. At present, there is no pressure from the General Administration for any change. Mr. Yarbrough asked if the semester people were on the same calendar. Other than the fact that all give exams before Christmas, it was thought that they were not. The motion to have the referendum passed.

The meeting adjourned at 4:30 p.m.

Respectfully submitted,

Stella Daugherty
Secretary

EXCERPTS FROM LETTERS TO KEATS SPARROW

Rep. Sam D. Bundy: "Any relief possible will be determined largely by tax collections based on our economy over the next few months. North Carolina cannot operate on a deficit budget; therefore, let us hope that the economy picks up so that we can remedy the situation to some degree." (January 30, 1975)

Rep. H. Horton Rountree: "As you well know, there are people in this state, to wit: approximately 157,000 who are unemployed, and these people are of great concern, also, to this General Assembly. ...you can be sure that within the responsibility of my vote to all the citizenry of this state, I shall do my best to increase teachers' salaries." (February 11, 1975)

Senator Vernon E. White: "I hate to say this to you, but I must say that if you are not satisfied with the salary the state is now paying in the position you now hold I think it would behoove you to seek another position that would pay a higher remuneration for your services." (March 10, 1975/sic/)

LETTER FROM CHANCELLOR JENKINS

The minutes of the February 13, 1975, Faculty Senate meeting have come to my attention, and I wish to make the following comments regarding your vote to establish a Computer Committee which apparently has been given a charge exceeding the authority of the Senate.

I am aware there is ambiguity in the description of the functions of the Faculty Senate as described in the Constitution of the Faculty Senate. Specifically, the Constitution of the Faculty Senate states that the purpose of the faculty organization is to provide means by which the faculty is enabled to fulfill its function "with respect to academic policy and educational policies and other affairs of East Carolina University," this function to be "exercised under the authority of the Chancellor of East Carolina University."

The legislative powers of the General Faculty are delegated, "subject to limitations stated in this constitution," to the Faculty Senate, the functions of the General Faculty being listed as follows: 1) "Consider reports from and make recommendations to the Chancellor, the Vice Chancellor and Dean, and the Faculty Senate;" 2) "discuss any matter relating to the welfare of East Carolina University and the members thereof;" 3) "amend or rescind the articles establishing the Faculty Senate as provided in this constitution;" 4) "amend or rescind the action of the Faculty Senate as provided for in this constitution."

Number 1 is a general authorization to receive and make recommendations without specification as to their subject matter. Number 2 is a general authorization to discuss, not recommend, in the broad area of the welfare of the University. Numbers 3 and 4 obviously cannot be delegated to the Senate for clearly the General Faculty must perform the functions in 3 and 4. Thus, Faculty Senate functions are poorly defined by reliance on a description of General Faculty functions.

A further reference to the Faculty Senate's role in the constitution is more helpful. I refer to the following statement: "The Faculty Senate shall ratify, amend, or remand all matters of academic policy or faculty welfare which have been recommended by any standing or special committees of East Carolina University, or initiate any policies in such matters which it deems desirable." Obviously, the above-quoted passages are ambiguous and contradictory, requiring reference to other parts of the

Faculty Manual to improve the definition of Faculty Senate powers.

Reference to another section of the Faculty Manual (see section on "Policy Making Machinery"), which was formulated following the establishment of the Faculty Senate, helps to clarify the Faculty Senate role as it relates to the establishment of the Computer Committee. This section distinguishes between "academic and administrative agencies and between policy formulation and execution."

"Academic policy recommendations from any source are referred to the Graduate Council or the Faculty Senate." Further, the Faculty Senate "provides the means by which the faculty is enabled to fulfill its function with respect to faculty welfare and academic and educational policies exclusive of graduate programs." The Faculty Manual provides that "Administrative policy, as distinct from academic policy, is formulated by the Administrative Council, assisted by Administrative Committees." The manual further provides: "The execution of policy rests solely with the Chancellor and those officers delegated by the Chancellor to administer the affairs of the University."

Insofar as the charge of the Computer Committee approved by the Faculty Senate on February 18, 1975 preempts for that committee the authority to initiate all recommendations affecting academic usage and provides that the committee shall supervise the writing of specifications for bidding and the purchase of resources it exceeds the function of the Faculty Senate and overlaps the functions of an existing administrative committee. In none of the above-quoted provisions in the Faculty Manual is the Faculty Senate given exclusive power to initiate academic policies or given power to administer policies. Furthermore, there is a distinct possibility that the charge to supervise specifications for bids, if intended to refer to final specifications, violates state law and established state procedures for writing specifications. Therefore, I cannot accept this recommendation of the Senate and request that the Senate reconsider the charge of the Computer Committee in light of the foregoing comments. Please be assured that I am not questioning the appropriateness of your action in establishing a committee. I am simply objecting to the breadth of the committee's charge.

FACULTY ASSEMBLY REPORT

The twelfth meeting of the Faculty Assembly of the University of North Carolina convened at 7 o'clock February 21, 1975. The East Carolina delegates were present. President Friday noted that he had discussed candidly the issue of repressive action taken by some administrators against Faculty Assembly delegates for the views expressed by the Assembly delegates. He wishes to have evidence from the delegates if the practice continues. Nationwide, with reference to Florida and Wisconsin particularly, the legislatures are seeking to cut back funds for higher education. In North Carolina, each House of the Legislature has its own committee to study base budgets. The General Administration has been instructed to appear before their committees during the period March 14-23, to defend the continuation budgets of the sixteen institutions separately. This is the first time that such conversations have come up in the General Assembly. President Friday believes that the legislature is trying to identify when certain things could take place if cuts had to take place if the recession became very severe. President Friday hopes to offer sharp counter-argument, one that five thousand additional young persons will be coming into the system in the next two years.

President Friday noted that the probability of collective bargaining legislation is higher now than ever before. The University is still maintaining its commitments to the budget recommendations of December, 1974, which include the 12% and 8% salary recommendations. He noted difficulties with the private institutions as regards public funding of private schools. The University Administration believes that the aid should go to needy students, not needy institutions.

The Faculty Assembly then considered from 8:30 to 10:30 and from 10:00 until 4:00 the next day the proposed revisions of Chapter 6 of the University of North Carolina Code. The result was a series of twenty-nine recommendations which featured faculty elected committees in dismissal procedures, and a division of procedures between financial exigency and change in program. Other points included faculty elected grievance committees and review procedures by the General Administration on local administrative decisions to dismiss professors for the above reasons.

The Faculty Assembly then instructed the Chairman to select five additional persons to present the recommendations of the Assembly to the Board of Governors' Committee on Personnel and Tenure. This was done on March 14, 1975. A new draft of Chapter Six has now been proposed incorporating many of the Assembly's recommendations. There is evidence that the final draft will include additional items as well.

The next meeting of the Assembly is on April 25, 1975.

Henry Ferrell
William Grossnickle
Thomas Williams
Robert Woodside

AD HOC CODE SCREENING COMMITTEE REPORT

At its February meeting, the Senate charged its Ad Hoc Code Screening Committee to contact the Chancellor's Code Screening Committee with the aim of clarifying what was meant by changes made in the Department of Geography's Code of Operations, and why the changes were made in the manner in which they occurred. We asked for such a meeting and got it. Today I have asked for time here to report on the resultant pow-wow.

At the meeting, the Senate committee took the tack that it hoped the meaning of the changes in the Geography Code, and especially of its new preamble, had merely been unclear to Senate members, and that nothing of substance was really altered. And, in fact, it seemed to be the sense of the other committee that such was the case. It seemed to be generally agreed that apparently the Senate thought the preamble aimed at something other than what it actually bore upon, whereas the Senators' protests possibly aimed at something other than what the Chancellor's Screening Committee in its turn thought those protests aimed at.

We did our best to explain to our opposites that as far as we knew the Senators were not exercised because the faculty supposedly was being prevented from making the final decisions on such high matters as faculty appointments, reappointments, promotions, grants of tenure, and dismissals. We assured the other committee that the Senators and other faculty members seemed to understand that on those matters action at every echelon below the boards of trustees and Board of Governors consisted solely of making recommendations. However, so we pointed out, the actual upset over the preamble surely stemmed from a feeling that it limited the faculty voice in discharging unit affairs merely to the potentially futile offering of advice which might well echo into the ether, royally ignored by unit heads.

The reply from the Chancellor's Screening Committee seemed to be instructive and satisfying. They said that indeed the preamble had been intended to refer solely to the so-called "high matters," and to emphasize the impossibility of anything but advisory recommendations being made at lower levels concerning them. The other committee said further that they had not even been thinking of the handling of unit internal affairs when they recommended the preamble to the Chancellor.

Thereupon, our committee replied that seemingly all that was needed then was to petition the Chancellor to reword the preamble so that its meaning was unmistakable.

We proceeded to hand them a suggested revised preamble text that we thought would fill the bill and ought to be acceptable to all concerned. If you will look at the handout I gave you, you will find it labelled "Draft No. 2," whereas the original preamble is labelled "Draft No. 1" (see below). Among other things, No. 2 recognizes the faculty's active role in unit internal operation and separates that function from the specific matters on which the faculty may merely send recommendations "up the line." The other committee thanked us for our interest in the matter, assured us of their attentiveness to our argumentation, and promised to study the matter and make appropriate recommendations to the Chancellor.

Concerning the other matter of how to handle a code revised by the Chancellor in a manner unsatisfactory to the Senate and/or the unit involved, the other committee stated that they had nothing whatever to do with that, and could not presume to speak on the subject. The Senate would have to go through other channels if it wished to pursue the matter.

As to the fate of the preamble, a few days ago, following whatever actions by his Screening Committee, Chancellor Jenkins did actually replace the original draft with a revised one. It appears as "Draft No. 3" in the handout (see below). You will note that it much resembles our own Draft No. 2, although the word "governance" has disappeared from No. 3. This could be a matter for some concern, but our committee feels it probably is not. After weighing and analyzing, we concluded that basically the same idea has been restated with different words. Moreover, the Chairman of the Chancellor's Screening Committee states that he sees the proposition that way, and so does the Provost.

As to why it was thought desirable apparently to seek a euphemism to replace the word "governance," I think that I have finally come to comprehend the problem after audiences with various administrators. It would seem that no one actually exercises "governance" save the boards of trustees and the Board of Governors, along with those (chancellors) to whom they delegate powers. Everyone else acts on sufferance, apparently.

Given the wording of the official revised preamble, and the referred-to reassurances as to its meaning, our committee believes that faculty rights have weathered the storm quite well--in the sense that we now have a more explicit statement on faculty involvement in handling unit affairs than we had before any general preamble, but especially the revised one, existed. That is, we now have a preamble supportive of the concept of substantial faculty involvement in dealing with unit internal affairs.

One related point remains to be gone into. Roughly at the same time he issued the revised preamble, the Chancellor promulgated the Library Science Department's Code of Operations, inserting changes in it presumably recommended by his own Screening Committee. The point of bringing this up here and now is that a number of passages in that code have been considerably altered since the Senate gave its approval to it. You will find examples of the alterations on the second handout sheet. "Before" indicates the form in which the given passage left the Senate, and "After" to what it now is like. By bringing this up now it is hoped to anticipate questions that would probably come later anyway concerning how the changes jive with our Screening Committee's optimistic interpretation of the revised preamble.

As you may see from a glance at the second handout sheet, the changes boil down to removal of passages requiring the department chairman to carry on unit affairs according to the dictates of department-established policies, with that being replaced by a different process. The new one in essence has to do with the chairman carrying on business according to the dictates of college and university policies, and with consideration for department-established policies.

Now there might be a temptation to push the panic button here--but our Screening Committee feels that such would be unwarranted. If our interpretation is correct,

all of this is another case of saying the same things with different words, and presumably in the interest of avoiding misunderstandings later. By our interpretation the alterations simply underline the undoubted fact that unit-level policy can and must be pre-empted by college and university-level policy. By our interpretation, the phrases involving the formulation "with consideration for" signify that in the absence of countervailing requirements coming from outside the unit, the unit head unquestionably will heed his unit-established policies and procedures.

We further take it to be implicit that when a unit head finds policies and/or procedures of two provenances in collision with each other, so that unit policy and/or procedure must give way, he is obligated to explain the compulsion upon himself to everybody's satisfaction.

Now some Senators may say that our committee's interpretations and assumptions are rather beautiful, but also ask whether they have anything to do with reality. In answer I would merely point out that representative administrators are present with us today and can contradict if they feel so compelled. Furthermore, all of this will go into the Senate minutes, which are known to be read attentively by the higher administrative officials, including the Provost. Therefore, reason itself suggests that the committee's interpretations can be considered valid and binding unless we are told forthwith that they have been disallowed on higher echelons.

If they are disallowed, then it might be supposed that the Senate will find itself in a new ball game. Thank you.

THE EVOLUTION OF A PREAMBLE

DRAFT NO. 1

This code establishes procedures which allow the faculty of the unit to participate by making recommendations to the unit head. All recommendations to the unit head resulting from these procedures are advisory in nature.

DRAFT NO. 2

Besides allowing for faculty participation in unit internal governance, this code establishes procedures which allow the faculty of the unit to participate by making recommendations on appointments, promotions, permanent tenure and dismissal to the unit head. All such recommendations to the unit head resulting from these procedures are advisory in nature, both to him and to his immediate administrative superior.*

DRAFT NO. 3

This code allows for faculty participation in unit internal affairs. The code establishes procedures which allow the faculty of the unit to participate by making recommendations to /the unit head/ on appointments, promotions, permanent tenure, and dismissal. Recommendations to /the unit head/ resulting from these procedures are advisory in nature, both to him and to his immediate administrative superior.*

*Words and phrases not appearing in Draft No. 1 are underlined in the other two drafts.

THE TRANSMUTATION OF A UNIT CODE

BEFORE: The chairman shall...administer the affairs of the department in accordance with the policies determined by the department, college, and university...

AFTER: The chairman...shall administer the affairs of the department in accordance with the policies determined by the college and university and with consideration of the policies established by the department.

BEFORE: The chairman shall...manage and distribute the budget and all other funds assigned to or belonging to the department in accordance with the recommendations made by the department.

AFTER: The chairman shall...manage and distribute the budget and all other funds assigned to or belonging to the department, giving consideration to the recommendations made by the department.

BEFORE: The chairman shall...recommend salary increments to the Dean of the College of Arts and Sciences in accordance with principles and criteria established by the department...

AFTER: The chairman shall...recommend salary increments to the Dean of the College of Arts and Sciences, giving consideration to the principles and criteria established by the department.