A summary sheet of the minutes from April 30, 1998

- The following items were distributed to the Senate and are included with the minutes:
  - Senate Committee Specific Charges 1998-99.
  - Report of the Committee on Committees (COC).
  - Report of the Faculty Governance Committee.

- Chair Vigeland introduced the new senators for the 1998-99 academic year.

- Senator Roger Pfaffengerger presented the report from the Tenure, Promotion and Grievance Committee. The following motions were passed or accepted:
  - An amended statement on the Professional Review and Development (Post Tenure Review) of Tenured Faculty in Attachment I of the report (attached).
  - The TPG Committee will conduct a research study of review practices of the various departments during the 1998-99 academic year.
  - The use of mediators should be continued in faculty grievances cases.
  - Collegiality should not be considered as a factor in tenure decisions, however, the Code of Ethics listed in the handbook should be used.
  - Additional study will be conducted on the issue of extending the tenure clock for persons in their probationary period who receive FMLA leave.

- Senator Grant, Chair of the Academic Excellence Committee presented the Grade Appeal Policy distributed with the agenda of the April 30 meeting for approval. Approval was granted by the Senate.

- The results of the election of Senate officers (Executive Committee for 1998-99) were presented by Chair Vigeland. They are:
  Chair - Sherrie Reynolds
  Chair-elect - Roger Pfaffengerger
  Past chair - Robert Vigeland
  Secretary - David Grant
  Assistant Secretary - Lynn Flahive
  Two new members of the Budget and Finance Committee - Pat Paulus Mike Sacken

- Past chair Sally Fortenberry was recognized for her willingness to serve a second term as past chair.

- The gavel was passed from Chair Vigeland to Chair-elect Sherrie Reynolds.
TEXAS CHRISTIAN UNIVERSITY
FACULTY SENATE
AGENDA
3 SEPTEMBER 1998
3:30 P.M.
SID W. RICHARDSON BOARD ROOM

• Call to order

• Approval of minutes as mailed

• New Business
  • Report from the Executive Committee
  • Report from the Committee on Committees

• Remarks by Chancellor Ferarri

• Announcements

• Adjournment
The Faculty Senate of Texas Christian University met at 3:30 p.m. on April 30, 1998, in the Sid Richardson room with Chair Vigeland presiding. Senate members present included: Grant, Lahutsky, Moore, C. Brown, G. Smith, Sloan, Paulus, Donovan, Nelson, Rinewalt, Reinecke, Miles, White, Sacken, Patton, Reynolds, Moreland, Curry, Bradley, Cooper, Garrison, Clemons, Flahive, Greer, Pfaffenerberger, Vigeland, Nichols, Oberkircher, Raessler, Wilson, Becker, Szajna, Marcum, Bobich, Franzwa, and Fortenberry.


APPROVAL OF MINUTES FROM APRIL 2, 1998

The minutes from the April 2, 1998, meeting were approved as written with the following corrections:

1. Senator Paulus should be listed as excused rather than not in attendance.
2. Senator Becker requested that his comment, stated on page 3 of the minutes, seventh line from the bottom of the page, be changed from “Senator Becker stated that the director of pre major advisors discussed the College Boards and the revision of this test in a recent meeting,” to “Senator Becker stated that the former director of pre major advisors Mike Brooks discussed the College Boards and the revision of this test.”

ANNOUNCEMENTS

- Chair Vigeland introduced new senators for the 1998-99 academic year and they were duly welcomed.

NEW BUSINESS

- Chair-elect Reynolds presented committee charges for the 1998-99 academic year (attached).

- Chair Vigeland asked that the members of the 1998-99 Faculty Senate fill out forms indicating their Senate committee preferences for next year.

- Elections were held for the positions of Faculty Senate chair-elect, secretary, assistant secretary, and two new members of the Budget and Finance Committee. The candidates were:
  - Chair-elect: David Grant and Roger Pfaffenerberger
OLD BUSINESS

- Chair Vigeland introduced Senator Pfaffenberger to present the committee report of the Tenure, Promotion and Grievance Committee (attached). He stated that he was changing the order of committee reports because actions this day by the Senate were necessary.
- Senator Pfaffenberger expressed appreciation for the large amount of input received from senators as they worked through their charges of the year. He reported that there were no formal grievances this year and commented on the various committee charges. He briefly discussed the monitoring, by the committee, of the progress of the development of the Center to Support Teaching at TCU and their budgeted plans for the 1997-98 academic year (page 2 and 3 of their report).
- Senator Pfaffenberger proposed a statement for inclusion in the Handbook for TCU Faculty and University Staff with regard to the “Professional Review and Development of Tenured Faculty” (page 3 and 4 and Attachment 1 of the report).
  - Senator Nichols made a motion that the review be conducted every five years rather than three years. Seconded by Senator Oberkircher.
  - Discussion ensued with many comments:
    - Senator Bobich - favored three years because there is no indication that this is going to be used for a faculty dismissal process.
    - Senator Brown - favored three years because it is a peer review and colleagues know what satisfactory progress is.
    - Senator Pfaffenberger noted that the departmental faculty should come up with the criteria for the process.
    - Senator Becker - What happens to the individual if they do not pass in either three or five years?
    - Chair Vigeland - This is not a pass/fail situation.
    - Senator Pfaffenberger - Faculty member not making satisfactory progress must receive help and resources to help correct deficiencies.
    - Senator Patton - Did anyone suggest four years?
    - Senator Pfaffenberger - No. In the committee research, it was found that most universities review every five years. Some had three years for associate professors and five for full professors. Most schools have worked out their own combinations and there is not clear cut model.
    - Chair Vigeland - Provost Koehler, in speaking with the Senate Executive Committee, indicated that he would support a proposal calling for reviews every three years for associate professors and every five years for full professors.
    - Senator Paulus - I do not understand the rationale for a five year period of time.
• Chair Vigeland - Those at the Faculty Assembly favoring a five year review period, felt that research or books many times take more than three years; however, I personally favor the three year period because colleagues will take this into consideration.

• Chair-elect Reynolds - The Provost was not saying that he favored that which he would agree to (three years - associate professor and five years full professor). He really supports the three year cycle.

• The question was called for a vote on the amendment favoring a five year review period. The motion was defeated by a vote of 10 for to 23 against.

• Senator Becker made a motion to amend the proposal to read: (added to Article 2 of Attachment 1)

   The faculty member being reviewed in the Professional Review and Development process will have his/her choice as to the criteria applied at the time of review between:
   
   A. The criteria currently in place at the time of review, or
   B. The criteria in place at the time of tenure grant at TCU. (Seconded by Senator Smith.)

   Senator Becker’s main concern is that the colleagues in the 35-55 year age group received tenure under substantially different criteria than is the case presently. If they were good enough to receive tenure then, they should not be dismissed from the university because the tenure criteria has changed. The intent of this document should be remedial and helpful to the faculty member, but we must not be so naïve as to think that interpretation of the document will be open to human interpretation. We are about to enter into a new administration and all the rules may change. This would leave a safety valve for those who might be hurt by a criteria change.

• Senator Pfaffenberger - I am sensitive to this issue; however, a person has to be aware that if the landscape is changing, the individual must change with it. The policies are open to departments to establish their own criteria. I find your proposal too restrictive.

• Senator Nichols noted that this is really covered in part 3 of the proposed policy.

• Senator Patton noted that she was aware of a graduate faculty member who had taught certain graduate courses for many years was “booted out” because he/she no longer met the changed criteria for graduate faculty membership. Thus she was in support of the Becker amendment in principle.

• Senator Pfaffenberger stated agreement in principal, also, however, felt that this would better be handled by understanding, compassion, and faculty development.

• Senator Sacken noted that as a university we are not in a stage where we can say with confidence that we believe in departmental autonomy and authority, because the history of this university has not permitted this.

• Senator Pfaffenberger answered that the policy does not create departmental autonomy; however, in terms of criteria, the policy does say that it should be a faculty matter.
• Senator Grant questioned what would happen if he sent off an article for publication with the request that the review committee judge this article based on what was current in the '70's when he got his doctorate.

• Senator Bradley questioned whether the change in the agenda order was voted on by this group?

• Chair Vigeland responded that he did it unilaterally.

• Senator Bradley requested that the vote on the Nichols amendment be retaken because the agenda order was changed and she did not have an opportunity to vote and thus was not here to speak on behalf of the amendment (to change the review period from three to five years). Her vote changed the vote to 11 for and 23 against, thus the amendment was defeated.

• The vote was then called for on the Becker amendment, with only the 1997-98 senators voting. The motion was defeated with 7 voting in favor and 21 opposed.

• Senator Bradley moved to change the review period from a three year cycle to a five year review period for Post Tenure Review. The motion was seconded and the motion was defeated with 11 voting in favor and 21 opposed.

• The question was called for with regard to the original motion to recommend that the policy statement in Attachment I of the Tenure, Promotion and Grievance Committee report be put in the 1998-99 Faculty & Staff Handbook.
  • Senator Becker moved that the motion be tabled due to the fact that we have a new chancellor coming and it would be premature to put this in place before he arrives.
  • Past Chair Fortenberry noted that the new chancellor is very pro active about issues such as this and would take this as positive move indicating that the faculty is willing to take ownership as opposed to waiting for the administration to put it in place. Should we see need for change, then we could work with the new chancellor on the changes.
  • Senator Pfaffenberger agreed with this stating that we must become pro active rather than reactive.
  • Senator Nichols noted that he feels that there are some distinct problems with this, for example, number 6 on page 2 of the Attachment where it states that if there are deficiencies in certain areas, a performance plan must be put together in consultation with the faculty member. This takes it out of the hands of the faculty member. Number 5 speaks of goals and objectives in consultation with the review committee and are those individual goals or goals of the department? He stated that he thinks the document should have more work.
  • Chair-elect Reynolds noted that the committee has worked hard, they have looked at it from every possible way, and have had a faculty assembly on this. It is hard to imagine that more time would bring about any change. We must go into the fall with some protection for the faculty and I speak against tabling the motion.

• The question was called for and the motion was defeated with only two voting for the motion.
• The motion to adopt Attachment I of the report as written was then voted on and passed with 28 voting for the motion, one voting against the motion, and two abstentions.

• Senator Pfaffenberger then spoke on the issue of the use of faculty mediators in grievance cases and whether to make recommendations to continue, modify or discontinue their use. The committee recommendations are on page 9 of the report (attached).
  • Senator Paulus questioned the possibility of using off campus non employee mediators who are truly neutral.
  • Senator Franzwa noted that in the past 20 years there has never been a successful grievance brought against the university. Thus it is all quite academic.
  • Senator Pfaffenberger did note, however, that there have been cases involving procedures where there have been out of court settlements where mediation did have some degree of success, at least monetarily. He then called for the question.
• The vote was taken and the vote passed by unanimous consent.

• Senator Pfaffenberger then spoke on the issue of collegiality as a part of the tenure process. The committee recommendations are on page 12 of the report (attached).
  • Senator Fortenberry stated that Dr. Koehler suggested that issues of collegiality really should appear in the professional ethics section of the Handbook for Faculty and University Staff, but this would need to be done next year.
  • Senator Clemons stated his hope that no such statement will then mysteriously appear in the handbook.
  • Senator Grant expressed concern over the wording of the recommendation which states: “Collegiality should not be considered as an explicit factor.” His concern was over the word “explicit.”
  • Senator Pfaffenberger accepted that recommendation as a friendly amendment so therefore, the first sentence of the recommendation will read: “Collegiality should not be considered as a factor in future decisions.”
  • Senator Garrison spoke against the recommendation because she feels that collegiality should be considered as a factor in the tenure review.
  • The question was called for, therefore discussion ceased.
  • Chair Vigeland then conducted the vote on the recommendation.
  • Senator Grant called for a point of order, stating that the body must vote on the question of whether or not they are ready to take a vote. This was then voted upon with 23 for and 8 against, therefore, the vote on the issue may occur.
• The vote was then taken on the recommendation on page 12 of the 1998 Tenure, Promotion and Grievance Committee Report. The vote was 16 for and 15 against, thus the recommendation of the committee was accepted.
Senator Pfaffenberger then presented the recommendation on page 13 of the report requesting time for further study on the issue of extending the tenure clock for persons in their probationary period for persons who receive FMLA leaves.

A vote was taken on postponing action on this issue and it passed by unanimous consent.

Chair Vigeland then announced the election results. They were:

Chairman - Sherrie Reynolds
Chair-elect - Roger Pfaffenberger
Secretary - David Grant
Assistant Secretary - Lynn Flahive
Representatives on the Budget and Finance Committee - Pat Paulus, Mike Sacken

Senator Grant moved that the Grade Appeals Policy distributed with the agendas for this meeting be adopted. A friendly amendment was accepted to line six of number one of the Procedures for Grade Appeals which will now read “The faculty member will respond in writing to the department chair concerning the student’s appeal.” The amended motion was passed by unanimous consent.

Chair Vigeland then thanked the hard working committee chairs for this year and presented a gift to Past Chair Sally Fortenberry for her willingness to serve as past chair for a second year due to the departure of Kathleen Martin. He then turned over the chairman’s gravel to Chair-elect Reynolds.

Chair-elect Reynolds then, on behalf of the Senate, thanked Chair Vigeland for his hard work and for the many accomplishments of his term as chair of the Senate.

Chair Vigeland closed the meeting by noting that in his opinion the Senate is well positioned to enter next year in a constructive way and that it should be an exciting year. He suggested that senators might be thinking about issues that should be discussed with the new chancellor, who will be invited to the first Senate meeting.

The 1997-98 Faculty Senate adjourned for the last time at 5:09 p.m.

Respectfully submitted,

Kenneth R. Raessler, Secretary
SENATE COMMITTEE SPECIFIC CHARGES 1998-99

ACADEMIC EXCELLENCE
What should an undergraduate be like at the end of his/her experience at TCU? How should s/he have been impacted by his/her experience at TCU? This should be a deep, textured view that reveals the diversity and complexity of the issues, rather than something that reaches a few conclusions or objectives.

COMMITTEE ON COMMITTEES
Take a "clean slate look" at the structure of university committees. Gather comparative information from other institutions. Make recommendations as to the structure and conditions necessary for the work of the university committees to be accomplished.

FACULTY GOVERNANCE
Gather information about the structure of Faculty Senates at other universities and how those structures are working. Share the results with faculty and gather feedback about changes, if any, indicated for the structure of TCU's Faculty Senate.

STUDENT RELATIONS
Study the students who have trouble finding a place at TCU. Find out who they are and how we are addressing their needs. Gather information which will allow you to recommend how we may better meet the needs of these students.

TENURE, PROMOTION, AND GRIEVANCE
Study the effect of the tenure, merit, and promotion process and policies on faculty recruitment, retention, and morale. Your study should specifically be concerned with the way in which the tenure process is experienced by tenure-track faculty, how it affects relationships with the tenured faculty, and how it affects tenure-track faculty's relationships with the university as a whole. You should also consider inflexibility of the tenure policy for experienced new faculty (inability to reset the tenure clock and inability to hire with tenure, even in the case of endowed chairs and full professors) and the inability under current policy to participate in TIAA-CREF.

BUDGET AND FINANCE COMMITTEE
Study the effects of and reasoning behind the current policy regarding university contribution to TIAA-CREF in the first two years. Continue effort to gain earlier consultation and more input on budget and continue monitoring the handling of discretionary accounts.
Tenure, Promotion and Grievance Committee Report
April 30, 1998

The charges given to the TPG Committee for the 1997-98 academic year were:

STANDING CHARGE:

1. Monitor the operations of the University policies on tenure and promotion as set forth by the Handbook for TCU Faculty and University Staff.

SPECIFIC CHARGES:

1. Monitor the progress of the development of the Center to Support Teaching at TCU.

2. Develop a statement of policy concerning continuing faculty review for the Handbook for TCU Faculty and University Staff which is consistent with AAUP guidelines. Also, research methods of reviewing tenured faculty for comparison with the review process in use by academic departments at TCU.

3. Study the use of faculty mediators in grievance cases and make recommendations to continue, modify or discontinue the use of mediators in these cases.

4. Examine the issue of collegiality, that is, the ability to work effectively with colleagues and students, as it relates to professional responsibilities and to the functioning of the department. Make a recommendation to the Senate for inclusion of a statement on collegiality in the Handbook for TCU Faculty and University Staff.

On February 25, 1998, a fifth specific charge was added to the agenda:

5. Review the proposal for amending the tenure policy for leaves of absences taken under the Family Medical Leave Act and, if the Committee sees fit, to bring it to the Senate for a vote.

Committee Report on Charges

STANDING CHARGE:

1. Tenure and promotion decisions were made in March by the Board of Trustees. The Committee is monitoring the operations of the University policies on tenure and promotion for these decisions as set forth by the Handbook for TCU Faculty and University Staff.

There have been no formal grievances filed resulting from the tenure decisions this year (one informal grievance that did not move to the formal stage).
SPECIFIC CHARGES:

1. Monitor the progress of the development of the Center to Support Teaching at TCU.

   The Chair of this Committee also Chairs the Advisory Committee to assist with the development of a center to support teaching at TCU. The Advisory Committee has accomplished the following during the 1997-98 academic year:

   a. Requested and received a budget to extend programs offered by the current Center for Instructional Services for the 1998-99 academic year. The requested amount was for $13,235 (11/19/98). The Board of Trustees approved an operating budget of $21,705. The key programs receiving budget support were:

      * A two-day fall workshop for faculty new to TCU. Approximately 4 hours of the workshop is allocated to teaching issues (e.g., teaching resources at TCU, developing and presenting effective lectures, use of technology in teaching, expectations for teaching excellence at TCU).

      * A one-day fall workshop for adjunct faculty. This workshop is designed to provide assistance and resources to adjunct faculty members. Most of the workshop is devoted to teaching/curriculum issues (e.g., expectations for teaching excellence at TCU, the core curriculum, developing and presenting effective lectures, challenging classroom situations).

      * A one-day fall workshop for teaching assistants. This workshop is designed to coordinate efforts by departments preparing graduate teaching assistants for teaching assignments. This workshop has similar components to those in the preceding workshops, but is designed with the teaching assistant in mind.

      * A one-half day workshop for department chairs on the evaluation of teaching effectiveness and on ways to improve teaching effectiveness among department faculty members. The purpose of this workshop is to provide assistance to department chairs in evaluating and improving teaching effectiveness. The use of outside consultants is anticipated.

      * Initiation of a teaching effectiveness resource library. The budget provides approximately $1,500 to begin purchasing resources (e.g., books, videotapes) for the improvement of teaching effectiveness.

   Existing programs (e.g., Teaching Newsletter, Conversations on Teaching) will be continued. Additional new programs include teaching awards for adjunct faculty and for teaching assistants, and breakfast seminars on specific issues in teaching.
b. The members of the Advisory Committee visited several teaching centers nationally (e.g., University of Southern California, University of Texas at Austin, Northwestern University, University of Virginia, Texas A&M University) and collected information from over 30 teaching center web sites.

c. The Advisory Committee plans to submit its formal proposal to initiate a Teaching Center at TCU to Provost Koehler in mid-May.

2. Develop a statement of policy concerning continuing faculty review for the *Handbook for TCU Faculty and University Staff*, consistent with AAUP guidelines. Research methods of reviewing tenured faculty for comparison with the review processes in use by academic departments at TCU.

   a. The proposed statement for inclusion in the *Handbook* is provided in Attachment 1.

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<th>Recommendation</th>
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<tr>
<td>The statement on the Professional Review and Development of Tenured Faculty in Attachment 1 be added to the <em>Handbook for TCU Faculty and University Staff</em>, 1998-99 edition.</td>
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This statement evolve over the current academic year in stages. Information on the policy and procedures used by other universities was collected in the early stages of the evolution of the statement. Additionally, pertinent articles were collected from the literature on the subject of review of tenured faculty. The first draft of statement was crafted by Committee member Hal Nelson. This draft was discussed at length and modified by the committee twice. The third draft of the statement was shared with selected faculty members and with the Provost. Based on these reactions, the Committee produced the fourth draft. This draft was presented to the Faculty Senate for discussion. The suggestions made by the Faculty Senate were incorporated in the fifth draft. This draft was presented to the Faculty Assembly on April 22, 1998.

A key issue in the proposed policy statement is the review time period (proposed: 3 year cycle). The Committee discussed and debated this issue throughout the evolution of the statement. Following the Faculty Assembly on April 22 (attended by four Committee members), the Committee met on April 23 to make final revisions as needed in the proposed policy statement. The issue of the 3-year cycle was re-visited at length. The Committee agreed that the 3-year cycle should remain in the proposal. Among the reasons for this position were:

i. A longer cycle (e.g. 5 years) provides insufficient opportunities for timely feedback from colleagues in a developmental sense. The wheels are more likely to fall off the wagon over a five year period than over a three year period.
ii. Most universities researched use five year cycles, but the sample taken by the Committee was heavily biased in favor of large, state universities for which a shorter review period is infeasible due to the size of the tenured faculty in many departments (e.g., departments with 50 or more faculty members).

iii. The Committee feels very strongly that a three year cycle should be used for Associate Professors. Following the granting of tenure and promotion to Associate Professor, there is a natural tendency to relax prior to working toward full professorship. A check at the three year point can provide support and encouragement for progress to full professor. The next three year review can provide the basis for recommending promotion to full professor.

Based on this meeting, the proposed statement is provided in Attachment 1.

b. The Committee collected documents describing the review processes used by several departments. Departments have been allowed to develop their own review procedures subject to approval by the Deans and the Provost. Understandably, the review procedures vary from department to department (e.g., Art vs. Business School). It is the belief of the Committee that departments should have considerable discretion in developing their review procedures. This view is reflected in proposed policy for reviews (Attachment 1). With the policy in place, it makes sense to initiate a research study on the processes used by departments to conduct these reviews.

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<th>Recommendation</th>
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<tr>
<td>The TPG Committee conduct a research study in the 1998-99 academic year to determine (1) the concordance of review processes used by departments with the policy statement placed in the Handbook and (2) the concordance of the review processes used by departments with &quot;best practices&quot; used in reviews at other universities.</td>
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3. Study the use of faculty mediators in grievance cases and make recommendations to continue, modify or discontinue the use of mediators in these cases.

The Committee contacted several mediators, past and present, to determine their views about the use of mediators in faculty grievance cases. These comments appear in the box below.
Comments about Use of Mediators in the Faculty Grievance Process Made by Past and Present Mediators

In brief response to your question, I strongly believe that the mediation program should continue, but that we should take a careful look at whether we are actually practicing mediation. I have not been involved in any mediations through this committee but I have been a practicing mediator (as a volunteer) with Dispute Resolution Services of Tarrant County for five years, and occasionally mediate employment disputes here on campus as well usually with Shari Barnes in the HR office. From what I have heard from people who have been involved in disputes through the committee, what they have experienced is somewhat removed from true mediation, and as a result we may not be receiving the full benefit of the mediation process. I'd be happy to talk with you about this in more detail if you wish.

In many ways I find myself feeling that the program should be discontinued, mostly because true opportunities for mediation seem not to exist. Already, thanks to mediators' requests, the role of mediators has decreased. No longer do mediators become activated when tenure is denied; basically we were set the task (as you yourself will recall, yes?) of making sure that procedures were followed. And since of course procedures always WERE followed, we found ourselves in the position of having to ask those denied tenure to share their vexed and often painful experiences with us only to report back that procedures had been followed—which in turn always gave me the feeling that I was necessarily and unavoidably ratifying what had already been done. With Bob Greer's consent and support, I wrote a memo to this effect to Koehler after working on some cases, and the role of mediators in denials of tenure was then revoked. Now, as I understand, such cases go directly to the faculty grievance committee.

As a result, mediators now (so far as I know) act only on those who have been terminated prior to tenure. But yet again mediators don't have the power to mediate. We cannot call in both sides and ask them to commit themselves ahead of time to binding arbitration. What we can do is suggest ways that grievants might make their cases; and at one point I and David Grant were told ahead of time by an upper administrator that he might be willing to negotiate a friendly settlement that would avoid a court case. But neither of us felt that it was ethical to tell the grievant ahead of time that he COULD negotiate, as this would push us away from being neutral parties and into the positions of agents for the grievant.

In short, as mediators, one is betwixt and between, unable to effect any substantive solution or change. So what exactly is the point??

Ah, three-year post-tenure reviews. Now THERE I think mediators could play a very effective role, especially because in those cases there's a more equitable footing between the two parties thanks to tenure itself. Perhaps mediators could be assigned strictly to post-tenure review disputes? I would willingly support that.
I recommend against the use of mediation in its present form. In my concern the process is directed only toward a mechanical interpretation of whether procedure was followed. And, the grievant expects more by virtue of the fact that the process is called "mediation." So perhaps we should follow a truth in advertising principle and call it something like procedural fact finding. I have no problems in retaining the process if it is renamed -- it would continue to serve a very limited purposes without raising expectations.

The title for the current process promises more than it delivers and may give some grievances false hope. Perhaps the main benefit of the current process is that TCU can claim the use of internal appeal procedures that help it whenever such cases get to court. This is not an unimportant issue and we don't want the courts awarding TCU's money to people who should have been terminated.

Is TCU ready for real mediation? If so it might mean that chairs and deans will have to back down where a mistake has been made. And that can't be much fun. Plus, our promotion and tenure procedures are so convoluted that competent administrators are likely to make procedural mistakes.

A couple of thoughts from one who has been involved in a mediation:

1. Have there been successful cases where the informal mediation process prevented the filing of a formal grievance? If not, then I'm not sure the informal process ought to be continued.

2. The way the mediators function involves a conflict of roles. The policy states: "The purpose of the mediator is to facilitate resolution of grievances [and] mediate with/or between the parties to the grievance and shall be pledged to act without prejudice." On the other hand, "Should the grievant pursue the formal procedure, the previously appointed mediators will assist the grievant to prepare a written report to present to the Grievance Committee."

In the case in which I was a mediator, a question was raised by an administrator about this dual role. On the one hand, I was to be a neutral party to mediate the dispute, but then if the grievant decided to file a formal complaint, I was to assist the grievant to do so. The administrator was uncomfortable about the fact that, should the grievant file a formal complaint, I no longer played a neutral role, but became an adviser to the grievant alone. The policy nowhere suggests that the mediators help the administrators respond to the grievant's complaint.

Mediators should remain neutral and should not be put in the role of helping only the grievant should the informal mediation process not succeed. Maybe someone else needs to be appointed to be an adviser to the grievant all along in the process.

Call me if this isn't clear. I do think it is a conflict of roles that needs to be corrected.

My experience with the Mediators Committee the last two years leaves me with the impression that the committee should continue; the Provost has forwarded to the Faculty Senate some suggestions that I made about changing some of the responsibilities of the Mediators committee. I think using the Mediators Committee is especially helpful at the informal grievance stage.
Given your professional involvement in business, I'm sure that you know better than I that the world has been moving in the direction of increased use of mediators in resolving disputes. To move away from that seems counter intuitive. That is not to say that the system we have now is working well. Our mediators become involved in problems at a point so late in the process that points of view are pretty well fixed in place.

Perhaps the role of the mediators needs to be clarified and redefined. In the past, the mediators became active in the event of a negative tenure decision. TCU's position, in such a case, does not allow for any compromise. As department's move in the direction of the national trend toward a major review in the third year, mediators may be helpful in resolving issues. Such help might produce an eventual positive decision or another outcome less drastic than the outright denial of tenure. Also, as tenured faculty continue to move (or be dragged) down the path of three year evaluations, faculty mediators may be useful tools for resolving problems which occur as a result of the new process.

Thanks for your interest in this issue. Please keep me informed

In addition to these comments, the Committee received a copy of a recommendation to revise material in the Handbook on Faculty Grievance Policy from Don Coerver, current chair of the Mediators Committee. The recommendation is shown in the following box.

Submitted to the Provost by the 1997-98 Mediators Committee, Don Coerver, Chair
(February 27, 1998) NOTE: This recommendations pertain to the section in the 1997-98 Handbook for Faculty and University Staff, pages 23 -25.

1. Delete any descriptions of the Mediators Committee as the “Faculty Grievance” Committee. [This will eliminate confusion between the Mediators Committee and the Grievance Committee composed of the Executive Committee of the Faculty Senate].

2. In paragraph III E (Order of Events) of the Faculty Grievance Policy, pages 22-23 in the 1997-98 Handbook for Faculty and University Staff, Step 2, Formal Procedures, the Mediators Committee will make two of its members available for consultation to the grievant if a formal grievance is filed. Those members of the Mediators Committee serving in Step 1, Informal Procedures, will not serve as consultants in Step 2, Formal Procedures. new members of the Committee will be assigned for Step 2. [This will eliminate the possibility of Mediators serving in dual, and possibly conflicting roles ]

3. In paragraph IV A.2.b of the Faculty Grievance Policy, page 23 in the 1997-98 Handbook for Faculty and University Staff, the phrase “pertinent laws” will be deleted as a source of information provided by the Mediators. [Mediators cannot be expected to be sources of information on legal issues involved in the grievance process ]
The recommendation made in Item 2 insures that the mediator(s) serving in Step 1, the informal procedure do not serve in Step 2, the formal procedure so as to eliminate potential conflicts of interest and insure neutrality among mediators. The current statement in the Handbook regarding the Order of Events that pertains to Item 2 is shown in the following box.

响应由校长在评审校长和教务长 (March 18, 1998) 

"The academic deans and I have reviewed the Handbook revisions as proposed by Dr. Don Coerver, Chair of the Mediators Committee. We endorse the proposed changes in the Faculty Grievance Policy to facilitate a much needed clarification of the role of the Mediators Committee in the grievance process. The changes proposed in No. 1 and No. 3 in Dr. Coerver's memo are straightforward. In conjunction with the changes proposed in No. 2 in Dr. Coerver's memo, a suggested revision of Section III.E of the Faculty Grievance Policy follows:

Step 2, Formal Procedures. If no resolution was reached in Step 1, the Mediators Committee will make two of its members available for consultation with the grievant if a formal grievance is filed. Members of the Mediators Committee serving in Step 1, Informal Procedures, may not serve as consultants to the grievant in Step 2. The formal grievance document outlining the issues must be filed with the Grievance Committee. If the Grievance Committee determines that an injustice may have occurred, the case will be referred to the Hearing Committee for disposition.

Additionally, the deans and I would suggest one further change to Section IV A.2.b. as follows:

The mediators are intended to be a source of information regarding University grievance proceedings in general."

Don Coerver has indicated that the suggested modification in the Item 2 recommendation made by the Provost is reasonable and acceptable, as is the suggested change to Section IV. A. 2. b.
Based on the comments made by mediators and the amended recommendations made by the Provost, the Committee offers the following recommendations:

**Recommendations**

1. The use of mediators should be continued in faculty grievance cases.
2. It should be recognized by all parties involved in faculty grievance cases that mediators do not offer true mediation in the business sense.
3. The opportunity to use true mediation in the review of tenured faculty should be recognized.
4. The recommendation by Don Coerver, amended by the Provost, is supported by the Committee. These changes should be made in the 1998-1999 Handbook.

4. Examine the issue of collegiality. Make a recommendation to the Senate for the inclusion of a statement on collegiality in the Handbook.

The Committee received over twenty responses on this issue. A sample of the responses:

"No, I am not in support of adding collegiality as an explicit factor in tenure decisions. Informally, it will always be there anyway. Adding it explicitly I perceive as causing more problems then it will ever solve. Seems like we have more than enough vague criteria already that we have a tough time evaluating faculty for tenure without adding another."

"No phrase regarding collegiality should appear in the handbook. Debate is healthy; uniformity of thought is not. Collegiality statements stifle individuality."

"Collegiality should be judged within the current areas of evaluation of faculty: research, teaching, advising, service and professional development."

"Yes, include it! It simply says 'ability to work effectively with colleagues and students' – imagine if that is not the case. A faculty member is not able to work effectively with colleagues and students – do we want someone to have tenure who cannot work effectively? Not me! There is paranoia with regard to the possible misuse of the statement which I can understand, but I do not think that it is a reason not to require effective work. There have been cases where this statement has be extremely important and impactful in decisions. Please include it!"

"I would like to see it returned to the Handbook. It is not a question of personality, but one of being an effective member of what is often a team effort."
"I am not sure how any precision could ever be attached to this concept. If a faculty member was unable to work effectively with students and colleagues, presumably this would show up in low student perceptions of teaching and low evaluations in the area of university service."

"A highly disruptive colleague can sour the working atmosphere of a department. I would tend to see effective work with students as linked with otherwise existing requirements of teaching and advising. In that respect, it appears redundant, which is problematic only because there's a certain inextricable vagueness in collegiality requirements. But, do other policy provisos handle the situation where a colleague gets into a meltdown with peers? I am not sure. My instinct is to see the risks as exceeding the potential benefits, except intradepartmental conflicts can harm quality of work life as much as anything that happens at a university."

"The issue of collegiality is an important issue in a tenure decision. The change of language does impact the issue and should be considered the SAME issue. I hope that the Senate is not naive in its thinking that this is not an issue for consideration when deciding on the structure of an organization within and a part of higher education."

"In one respect, I have no objection to the inclusion of the collegiality clause. It doesn't seem to be an unreasonable expectation, but it "opens the door" for discrimination and unfair treatment of a faculty member by the chair/colleague. There is no way to avoid the potentially dangerous situation if the clause is included. Proposal: Keep collegiality out of the formal requirement for tenure/promotion, but incorporate it into the post-tenure review. Can this be done?"

"Several of us talked about this in our brown bag lunch session. Not one person was strongly in a camp - either camp. All of us saw merit to both spelling it out and to omitting it. Frankly, we doubted it would make much difference in practice. If they want to get you, they'll find arguments to do so, with or without such a statement."

"At what point does someone move from having a dissenting view to becoming a bad colleague? I am not sure we will ever be able to come up with an operational test for collegiality, but it seems to be that when a faculty member's words or actions undermine or subvert the mission of the department or university, they have gone too far. Even a test based on this notion of collegiality will be difficult to apply. For instance, suppose a faculty member recommends to some students that they not take any classes from Professor X. This is not exactly a collegial thing to do, but they might argue that Professor X is incompetent and it is in the students' and the program's best interests to steer students away from him. The faculty member might be right in his assessment of Professor X, but if Professor X happens to be the department chair, this could have serious consequences for the faculty member. The more we move away from the model of faculty members as independent contractors, the more important collegiality will become. Perhaps we should add collegiality as a sixth criterion for promotion and tenure, in addition to research, teaching, service,
advising, and professional development. Then, the individual units could amend their promotion and tenure guidelines to incorporate this criterion as they deem it appropriate. The units could decide what evidence faculty members should provide to demonstrate their collegiality and how much weight this should have in the overall tenure and promotion decision."

"The new wording in the *Handbook* (deleting references to collegiality) is a vast improvement. I showed the revision to a junior colleague in the department (2nd year at TCU) and got an immediate "thumbs up." I know my own concern was that the text signify constructive professional involvement in the department, not "cookie-cutter" conformity. The new language accomplishes this."

"This issue is important regarding sharing of workload, allowing some folks to be rewarded for lack of commitment to departmental tasks by having no assignments, and simply performing as a professional team member. Collegiality sometimes sounds like polite, friendly, etc., rather than a reflection of professional behavior. Perhaps we can find a better term or phrase that describes what we want to evaluate and which is less tied to personal characteristics. I am very frustrated with colleagues who do only what they want with no regard for the needs of a program or a department, yet are teaching classes so apparently can't be faulted."

The Committee recognizes the complexity of this issue and its importance in tenure decisions. The Committee believes that (1) collegiality will always be a factor (implicit) in tenure decisions and that (2) measuring collegiality as an explicit factor is difficult, if not impossible.

The Committee agrees with the view that collegiality can be measured in the five current categories for tenure evaluation: research, teaching, advising, service to the university, and professional development. That is not to say a denial of tenure when collegiality is an issue should be based on "trumped up" charges in one or more of the traditional five dimensions of evaluation. To include collegiality as an explicit sixth category will most certainly lead to a host of problems, most notably difficulty in determining ways to measure it as a separate factor.

The AAUP position on collegiality is in the process of formulation. AAUP has taken universities to task for basing tenure decisions on collegiality. The case at Bennington College provided an opportunity for AAUP to express its view on this issue.

AAUP criticized Bennington College for using "collegiality" to justify the dismissal of a professor. AAUP was especially critical of Bennington's use of "collegiality" as a factor in its decision. AAUP complained that collegiality "can too easily be a cloak behind which those who want to silence or get rid of a dissenting faculty member can hide."
5. Should the proposal to amend the tenure policy for FMLA leaves be brought before the Faculty Senate for a vote?

The proposed amended tenure policy pertaining to leaves is provided in Attachment 2. The statement of the FMLA is provided in Attachment 3. The Committee discussed the proposal at its March meeting and brought the proposal to the Senate for discussion at its April meeting.

Comments about the proposal from Committee members and Senators included the following:

Exchanging 12 weeks for a one year extension in the tenure clock is questionable.

FMLA could be used up to 3 times, potentially extending the tenure clock from 7 to 10 years.

The decision to extend the tenure clock by one year for an FMLA leave rests entirely with the faculty member requesting the FMLA leave. It is automatic without consideration from the faculty member's academic department or unit.

In case of profound illness affecting the faculty member or the faculty member's family, the extension seems reasonable. If the leave were taken for, say knee or back surgery, then trading 12 weeks for a one year extension seems less warranted.

Traditionally, colleagues have stepped in for a faculty member that needs a leave for an emergency. Is there a need for an extension in these cases?

Why can't the decision to allow a 1 year extension of the tenure clock be made on a case-by-case basis? This is the current TCU policy, and the policy at Baylor, Tulane and the University of Tulsa.

This policy should be linked to a Maternity Leave Policy that extends the tenure clock.
Recommendation

The issue of extending the tenure clock for persons in their probationary period who receive FMLA leaves requires additional study. Further, a recommendation on extending the tenure clock for FMLA leaves should be linked with a policy to provide extensions for maternity leaves.
Attachment 1

Post Tenure Review Policy
Tenure, Promotion and Grievance Committee
Faculty Senate

Tenure Policy

Section II - Permanent Tenure

E. Professional Review and Development of Tenured Faculty

The purpose of a professional peer review of tenured faculty is to provide effective evaluation, beneficial counsel, and timely and positive assistance to ensure that each faculty member has every opportunity, consistent with departmental, college and university goals, to experience healthy professional development and productivity throughout the faculty member's entire career.

This policy is intended to be consistent with the AAUP report guidelines for post-tenure review ("On Post-Tenure Review," prepared by a subcommittee of Committee A on Academic Freedom and Tenure, and approved by Committee A in May 1997).

1. The review process must not subvert the rights of academic freedom and tenure, nor reduce the faculty member's prerogatives of appeal as specified by the Handbook for Faculty and University Staff (Faculty Grievance Policy, pp. 22-25, 1997-1998 Handbook). The faculty member always has the prerogative to provide a written response to an action at any stage of the post tenure review process.

2. Each tenured faculty member shall be reviewed and evaluated triennially by a faculty review committee established in accordance with departmental policies and procedures for review of tenured faculty. Faculty members with administrative appointments at the level of Dean and above shall be exempt from this process.

3. The criteria used in the evaluation shall be established by departmental policies and procedures for review of tenured faculty. These criteria should clearly state departmental expectations, consistent with departmental, college and university goals, for all areas of evaluation; and should be differentiated by rank and level of seniority as relevant.

4. The initial year for the review of tenured faculty for each faculty member shall be established by the department and the process shall follow a timetable as established by departmental policies and procedures for review of tenured faculty. Special situations (e.g., approved leave) may justify an adjustment in the evaluation cycle. Approval for an adjustment in the evaluation cycle is required by the Dean for the department involved.
5. A written report shall be provided to each faculty member undergoing review with a copy to the Department Chair. The Department Chair shall transmit the report to the Dean with additional comments as appropriate. The faculty member under review must have the opportunity to see these comments and to offer a rebuttal, if desired. Areas of exceptional contribution, if any, should be noted along with recommendations to the administration for appropriate recognition. The written report must include a faculty development plan that specifies the goals and objectives established by the faculty member in consultation with the review committee for the three year period prior to the next review. The goals and objectives in the faculty development plan must be consistent with department and university goals, and the plan must specify methods for assessing the achievement of these goals and objectives at the time of the next review.

6. If significant areas of deficiency are identified, the faculty development plan must include a performance improvement plan that addresses the areas of deficiency. This plan, developed in consultation with the faculty member, shall include specific guidance and recommendations to assist the faculty member more fully to meet individual, departmental, college, and university goals. The performance improvement plan must include specific information on a timetable, methods of assessing achievement of objectives, and description of a process for monitoring progress and identification of completion. The Department Chair must provide a written report to the faculty member and to the Dean upon completion of the performance improvement plan.

1 In the event that the unit is not organized into departments (e.g., Harris College of Nursing), substitute “unit” for “department” and “unit head” for “department head.”

2 This step is skipped if unit head is the Dean (e.g., Harris College of Nursing).
Paragraph B. Probationary periods of service.

Subparagraph 3.h., which presently reads as follows:

Time spent on leave of absence from TCU will count as part of the probationary period of service. Exceptions must be approved by the Vice Chancellor for Academic Affairs and stated in writing at the time of granting the leave.

Shall be amended to read as follows (changes in bold).

Time spent on leave of absence from TCU will count as part of the probationary period of service except for leave taken under the Family Medical Leave Act of 1993 as applied at TCU through Policy #6.025 (Leaves of Absence). In the sole instance of leave taken under the Family Medical Leave Act, a TCU faculty member holding a tenure track appointment who exercises his/her right to the full term of 12 weeks leave allowed during each calendar year, may at the time of exercising her/his claim to such leave—at his/her sole option—notify in writing the Vice Chancellor of Academic Affairs of her/his election to extend the probationary period by one year. Such elective extension shall be honored by the University. Any such elective extension of the probationary period under this Family Medical Leave Act may be claimed—at the sole option of the faculty member—no more than three times, for a total possible extension of three years. A faculty member claiming any extension that has the effect of extending the probationary period beyond seven years shall be considered thereby to have waived any right to a claim of de facto tenure. Any other exceptions must be approved by the Vice Chancellor for Academic Affairs and stated in writing at the time of granting the leave.
Attachment 3
Statement of the Family and Medical Leave Act of 1993

YOUR RIGHTS
derunder the

FAMILY AND MEDICAL LEAVE ACT OF 1993

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons. Employees are eligible if they have worked for a covered employer for at least one year, and for 1,250 hours over the previous 12 months, and if there are at least 50 employees within 75 miles.

REASONS FOR TAKING LEAVE: Unpaid leave must be granted for any of the following reasons:

- to care for the employee's child after birth, or placement for adoption or foster care;
- to care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- for a serious health condition that makes the employee unable to perform the employee's job.

At the employee's or employer's option, certain kinds of paid leave may be substituted for unpaid leave.

ADVANCE NOTICE AND MEDICAL CERTIFICATION: The employee may be required to provide advance leave notice and medical certification. Taking leave may be denied if requirements are not met.

- The employee ordinarily must provide 30 days advance notice when the leave is "foreseeable."
- An employer may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the employer's expense) and a fitness for duty report to return to work.

JOB BENEFITS AND PROTECTION:

- For the duration of FMLA leave, the employer must maintain the employee's health coverage under any "group health plan."
- Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.
- The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

UNLAWFUL ACT BY EMPLOYERS: FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

ENFORCEMENT:

- The U.S. Department of Labor is authorized to investigate and resolve complaints of violations.
- An eligible employee may bring a civil action against an employer for violations.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FOR ADDITIONAL INFORMATION: Contact the nearest office of the Wage and Hour Division, listed in most telephone directories under U.S. Government, Department of Labor.
As you know, the Budget and Finance Committee acted in accord with its charge to provide input on the university budget. We met with Vice Chancellor McGowan on three occasions, in accordance with the schedule of meetings drawn up last year.

We provided input in the form of your memo to the Vice Chancellor as the budget negotiations were about to begin. (If you would, please append a copy of that memo to this report.)

To what extent our input affected the budget decisions is unclear. Vice Chancellor McGowan gave no direct indication of any action taken in response to faculty requests, though the administration's commitment to further upgrades in computer technology is generally consistent with the first suggestion in the memo.

But while our procedures were followed, I think it would be misleading to say that our committee entered into any sort of dialogue with the administration over next year's budget. We expressed our priorities and the Vice Chancellor expressed the administration's. And at our last meeting it seemed clear to me at least that the administration was not seeking faculty advice on even such matters as freshman class size for next year, let alone salaries, urgent staffing needs, the overuse of adjunct faculty, or any other of the perennial problems.

It seemed to me that the Vice Chancellor was saying that the university would admit however many freshman it wished, though it was not clear within a few hundred what that number might be.

It was clear, however, that the only new tenure track positions would be two in the business school.

It was further clear that more athletic staff would be hired and that the athletic revenues and expenditures are not separately identified in the income statement of the university.

The university imposes a limit on the percentage of the university endowment that can be spent annually for operating expenses. Until recently, that limit has been set at 6% of the average endowment balance over the preceding nine quarters. The vice-chancellor expressed the view that the spending limit has been too high, both in an absolute sense and relative to the spending limits at other private universities. And so the university is phasing in a reduction of the spending limit.

In short, aside from possible faculty participation in computer upgrades it did not appear that the next year's budget was particularly faculty-friendly.

And just to end on a positive note the AAUP recently reported that adjusted faculty salaries in the U.S. are lower than they were in 1971-72. TCU is still at the 50th percentile on salaries I believe. And that would seem to entail that although the endowment of the university has grown more than tenfold over the past twenty years, faculty salaries haven't quite matched that, to say the least. This is the case notwithstanding the fact that the tenure track faculty over that period has grown by less than twenty percent.

The Budget and Finance Committee used to circulate AAUP salary rates in comparison to TCU and peer institutions at the last senate meeting of the year. We stopped doing that a number of years ago. As one now-retired member of the committee once phrased it, "why tell them, they'll just get depressed."

To conclude, at the end of the Tucker era, the faculty is somewhat better off than it was at the beginning. But in comparison to what has happened to the endowment, administrative and sports-related salaries, development staff and salaries, the buildings and grounds budget, and building improvements, for example, the faculty have not fared that well over the period, either in numbers of tenure track positions or salary increments.

It is thus the hope of the committee that as the Ferrari era begins, we will be able to establish a meaningful dialogue between the administration and the committee, which can then involve the senate as a whole. The faculty, acting through the senate, not only has the right but also the obligation to influence policy with regard to at least the academic functions of the university. And if that is going to happen at all in the foreseeable future, then it's going to happen now.
REPORT OF THE COMMITTEE ON COMMITTEES [COC]

In addition to monitoring the University Committees as summarized below, the COC nominated several faculty members to fill mid-year vacancies as well as a slate of nominees for Faculty Senate Offices.

Membership changes for the 1998-9 University Committees will be sent to the Executive Committee of the Faculty Senate within the week for action by the administration.

A "late-breaking" progress report from the "Mill's Committee" referred to several times below is appended for the information of the Senate.

SUMMARY EVALUATIONS OF UNIVERSITY COMMITTEES
[as of April 30, 1998]

[* in need of continuing active review by COC]

1. ACADEMIC APPEALS [CURRY]: no problems

2. ACADEMIC COMPUTING [GOUWENS/L.SMITH]: much more active than last year

3. ANIMAL CARE AND USE and INSTITUTIONAL BIOSAFETY [REINECKE]: mandated membership and duties; no problems for combined committees

4. COMPLIANCE AND AFFIRMATIVE ACTION [LAHUTSKY]: continue to increase diversity in membership by adding general staff; coordinate with Diversity Task Force.

5. EVALUATION [L.SMITH]: much improved over last year; doing its job

*6. HONORS COUNCIL [CURRY]: needs to meet regularly with all members present and be both proactive and interactive with the Director

7. HONORS WEEK [LAHUTSKY]: well-organized, task-oriented, productive

8. INSTRUCTIONAL DEVELOPMENT [L.SMITH]: no problems

*9. INTERCOLLEGIATE ATHLETICS [BECKER]: recent NCAA self-study and new AD may require clarification/change of function so previous chair [J.Riddlesperger] renominated to help with this transition.

10. INTERNATIONAL STUDENTS [GOUWENS/BRADLEY]: much improved this year: taking more proactive role.

11. LIBRARY [LAHUTSKY]: calmer and somewhat less active than last year

12. MEDIATORS [GOUWENS/REINECKE]: mandated by Grievance policy; no problems
permanent constituent group on the campus. Faculty involvement assures that institutional culture is recognized. students are treated fairly and administrators act appropriately.

I will call a meeting of the University Court this month. My recommendation to them will be that the system be modified in the following manner:

The Traffic Regulations and Appeals Committee continue unchanged.

The Student Conduct Committee be charged to review policies, study student behavioral patterns (typically provided by statistics from the Student Affairs Division), and make recommendations for policy and program adjustment to the administration.

The Student Organizations Committee be charged to review regulations governing student organizations, hear requests for exception to policy, to determine whether organizations on the campus are meeting student and institutional needs, and to make recommendations regarding regulations and policy to the administration.

The University Court be charged to review on an as needed basis policy and procedures of the quasi-judicial committees and the judicial panels (described below). The University Court would consist of the Vice Chancellor for Student Affairs, the Senate Chair, the President of the House of Student Representatives, the chairs of the Student Conduct and Student Organizations Committee, and two students appointed by the House. This group would likely meet no more often than semi-annually.

Create a system of adjudication involving judicial panels. To adjudicate student behavior, whether individual or group, a pool of faculty, staff, and students would be selected and trained to hear cases. When a case arises, a hearing panel would be selected from the pool, would hear the case and render a verdict. (As indicated above, this would have occurred three times in this academic year. This is typical.) Appeals from the panel would be heard by the Vice Chancellor for Student Affairs.

If the above approach is adopted, the Bill of Student Rights must be modified and that requires approval from the faculty, the Senate, and the student body before being presented to the Board of Trustees. I am confident that these approvals would be forthcoming.

Donald B. Mills
Vice Chancellor for Student Affairs
4/8/98
Here is a report of our activities this year. I'll send it to Bob Vigeland in a few days. If you have any suggestions for changes to the report, please let me know ASAP.

Thanks for your work on the committee.

Dick

Report
Faculty Governance Committee
TCU Faculty Senate
1997-1998

Membership:
Dick Rinewalt, chair; Ken Raessler, liaison; Clayton Brown; Ellen Garrison; Bob Greer; Susan White; Curt Wilson

Specific Charge:
Review Faculty Senate handbooks from other universities and related AAUP guidelines and make recommendations for modifications and revisions to the TCU Faculty Senate Handbook.

The committee reviewed Faculty Senate materials from Baylor, Dartmouth, Duke, Emory, Northwestern, Rice, SMU, Stanford, Syracuse, Tulane, Vanderbilt, and Washington Univ - St Louis. The committee made the following recommendations:

1. Incorporate the attendance policy in the By-Laws.
   Action: Approved by the Senate on April 2, 1998.

2. Incorporate the Standing Committees in the By-Laws.
   Action: Approved by the Senate on April 2, 1998.

3. Adopt a revision of the Faculty Senate Handbook.
   Action: Presented to the Senate on April 2, 1998 to be considered on April 30.
THE FACULTY SENATE
Texas Christian University

A summary sheet of the minutes from April 2, 1998.

* The following items were distributed to the Senate and are included with the minutes:
  - Academic Excellence Committee Report
  - Texas Christian University Faculty Senate Handbook
  - Proposed amendment to tenure policy -- Family Medical Leave Act
  - Letter from Don Jackson re: proposed amendment to tenure policy (FMLA)
  - Proposals for a Revised Final Examination Schedule

* Chair Vigeland briefed the Senate on the Faculty Senate Executive Committee's meeting with the Faculty Relations Committee of the Board of Trustees

* Senator Grant gave the preliminary report from the Academic Excellence Committee on grading standards

* Students from the Community Intervention Class made a presentation regarding the addition of a 3-hour diversity class to the UCR.

* The Senate passed the following motions:
  To amend the Senate Bylaws to incorporate the attendance policy currently in effect and to incorporate the standing committees.
  To table the motion to accept the newly revised Faculty Senate Handbook until the last meeting of the semester.

* Nominations for 1998-1999 were solicited and approved for the Senate Executive Committee and the Budget and Finance Committee. Voting will take place at the final meeting of the semester.

* Discussion regarding the Review of Continuing Faculty, collegiality issue and the proposed amendment to the tenure policy in light of the FMLA was lead by Senator Pfaffenerger.

* The proposal to change the Final Examination Schedule will be voted on at the final meeting of the semester.
TEXAS CHRISTIAN UNIVERSITY
FACULTY SENATE

April 30, 1998
3:30 p.m.

Note: All meetings this year will take place in the Sid W. Richardson Board Room

Meeting Agenda

Approval of Minutes from April 2, 1998

Announcements

New Business

- Introduction of new senators

- Elections of Faculty Senate chair-elect, secretary, and assistant secretary and two new members of the Budget & Finance Committee.

Old business

- Committee reports:
  - Academic Excellence Committee
  - Budget and Finance Committee
  - Committee on University Committees
  - Faculty Governance Committee
  - Student Relations Committee
  - Tenure Promotion and Grievance Committee

- Further discussion on the proposal to change the final examination schedule
TEXAS CHRISTIAN UNIVERSITY
FACULTY SENATE MINUTES

April 2, 1998

The Faculty Senate of Texas Christian University met at 3:30 p.m. on April 2, 1998, in the Sid Richardson room with Chair Vigeland presiding. Senate members present included: Grant, Hughes, Moore, Brown, G. Smith, Sloan, Weber, Donovan, Nelson, White, Sacken, Patton, Reynolds, Moreland, Curry, Bradley, Cooper, Garrison, L. Smith, Clemons, Greer, Pfaffenberger, Vigeland, Nichols, Oberkircher, Wilson, Becker, Bobich, Franzwa, and Fortenberry.

Senators not in attendance: Paulus, Reinecke, Rinewalt, Miles, Haigler-Robles, Szajna, Marcum and Jenkins

Senator on leave: Kucko

Senators excused: Lahutsky, Flahive, and Raessler

APPROVAL OF MINUTES FROM MARCH 5, 1998

The minutes from the March 5, 1998 meeting were approved as written by unanimous consent.

ANNOUNCEMENTS

Chair Vigeland proposed that the May meeting be moved to Thursday, April 30 in order to prevent any conflicts with final exam schedules. There was no opposition to this proposal. The Faculty Senate meeting will be held at the same place and time as usual, but 1 week earlier, on April 30.

Chair Vigeland discussed the results of the Chancellor search and the meeting that was held with Dr. Ferrari and the Faculty Senate Executive Committee. Positive impression was had by all at that meeting. Ferrari plans to seek extensive faculty input and maintain consistent contact with the Senate.

* Senator Grant inquired if the new Chancellor could be in attendance for the first Senate meeting of the Fall.

* Chair Vigeland indicated that he would make sure that the invitation was extended.

* Senator Clemons stated that he understood that one of the primary reasons Dr. Ferrari had attended Michigan State was to be in the marching band. He is a trumpet player.

* Senator Franzwa requested a report on the Faculty Senate Executive Committee's meeting with the Board of Trustees.
Chair Vigeland reported that the regular meeting with the Board of Trustees Faculty Relations Committee focused on the need for new faculty and a review of the freshman class experience. Specifically, the reliance on occasional faculty to teach freshman classes and UCR classes was stressed as an issue of concern by the Faculty Senate Executive Committee. Chair Vigeland presented a compilation of statistics outlining the number of freshmen who take 1, 2 and 3 or more classes with occasional faculty. He stressed that these results reflect negatively on the marketing strategy that states "classes will be taught by TCU faculty". Additionally, he reviewed the number of freshmen who are enrolled in large size classes during their freshman year. This also reflected that a large majority of our first year students are in classes where there is not a 1 to 21 student/faculty ratio. This is also part of the marketing strategy of TCU. Chair Vigeland reported that a Task Force to Study the Freshman Experience is being established by VC Don Mills and Provost Koehler to look more completely at what is occurring during the Freshman year.

NEW BUSINESS

Preliminary Report from the Academic Affairs Committee on Grading Standards

Chair Vigeland turned the meeting over to Senator Grant, Chair of the Academic Affairs Committee.

* Senator Grant distributed the Academic Excellence Committee Report to the entire Senate. This document included information regarding the Grade Appeals Procedures, Grade Distribution Histories, GPAs of All Bachelor Degree Recipients from 1986-97 and the Percentage of Total Graduates Awarded Latin Honors from 1957-97.

* Senator Grant explained the process taken for arriving at the current Grade Appeals document. In October of 1997 a document was given to the Senate from the Grade Appeals Committee regarding policies for appealing grades.

* The AEC of the Senate met with George Gilbert, chair of the Grade Appeals committee to work out modifications to the proposal.

* Gilbert then took the final proposal to the Academic Appeals Committee and now to the Senate for a vote. The Senators are encouraged to review and discuss with colleagues the final proposal. This will be voted on at the April 30 meeting. If revisions are required, this will take place at a later date, but there is a need for a document to be in place now to be included in the Student Handbook. This is a process of compromise between the two committees. The dilemma is that students now have 2 or 3 years to appeal a grade, therefore, we need to get this policy in place.

* Senator Grant introduced the issue of grading standards, specifically how grades are given all over campus. University-wide discussion of this issue has not been undertaken, although some departments and colleges have begun this process. The data for this report has been taken from the University fact book. Senator Grant presented information about the percentage of grades distributed in the fall in the AddRan Division of Humanities as an example. Giving more As is a growing trend.
* Senator Bobich asked are we saying to our students that 2/3rds of them are above average since a C is considered average.

* Senator Grant stated that actually a C is defined as satisfactory in our catalog. There is a need for conversation among the faculty to determine a definition of each grading criteria: A, B, C, D. Senator Grant also explained some issues related to different colleges and divisions and changes in grading procedures over time.

* Senator Grant illustrated graphically the grades earned to as far back as 1984. Based on this information, Grant stated that if this trend continues, the average grade given will be a 3.5 by the year 2035. A 40 year trend was available only for those students graduating with Latin Honors, because computerization of grades took place in 1984. This included Summa, Magna and Cum Laude. Senator Grant’s student assistant compiled the data through the registrar’s office going back to 1957. To simplify the task, every other year was calculated and compiled for the report, including the most recent academic year. The total number of students graduating with Latin Honors is approaching 25 percent. Nationally there seems to be a similar trend and pattern. Senator Grant requested that this information be shared with other faculty and discussed. He called for feedback, opinions, conversations about this issue. There is no simple answer.

* Senator Franzwa stated that in the context of where the student is viewed as the customer, the object of the game is to please the customer, and we are, in fact, pleasing the customer according to the data. That is only good business. Also, students may be better than they were 20 years ago.

* Senator Grant indicated that his only response would be that the only ones who give grades are the faculty.

* Senator Franzwa stated that the “faculty are just the sandwich meat between students and administration”. When the customers are upset, then the administration is upset. Therefore, we need to stop upsetting the customers.

* Senator Grant invited faculty who may have felt pressured to give higher grades than were deserved or any faculty to talk to the Academic Excellence Committee about their perceptions.

* Senator Becker stated that the director of premajor advisors discussed the College Boards and the revision of this test in a recent meeting. There has been a 300 point recentering with more of an increase in the verbals.

* Senator Grant then presented some data that reflects this recentering of the test scores. This information is not included in the packet of materials. He stated that it is fair to say that students have improved.

* Senator Hughes reflected that this is a complicated philosophical issue.
Senator Greer asked if other universities have the same or a similar problem?

Senator Grant indicated that there is in fact a trend in universities nationwide. For example, last year the faculty senate at Duke University recommended changing the way of computing the GPA so that each student's grade would more accurately reflect how the student did in reference to the other students in the class. This recommendation was not approved. Some faculty would argue about giving +'s and -'s. Senator Grant recommended all faculty to email or call a committee member if you have ideas. The committee was hesitant to come up with a recommendation about what faculty should do. The Academic Excellence committee will be meeting again to continue the discussion.

Senator Oberkircher made the observation that TCU's graduation rate is 57% and there is evidence of grade inflation. What if you look at a university like Notre Dame, which has a graduation rate of 97% and see if there is a trend in grade inflation. Also, can a relationship be made between retention rate and grades?

Senator Grant stated that in the early 80s the policy to withdraw from a class was changed. The assumption was that there would be an effect on retention rate, but this has not been proven to be the case.

Senator Hughes, Moore and L. Smith made remarks related to departmentally discussing the issue of grades and review those classes that are taught as multiple sections.

Senator Grant brought up the issue of the possible correlation between the "student perceptions of teaching" evaluations and grades. He indicated that there are some studies out there that reflect some of these issues.

Senator Sloan stated that he has taught for 35 years and has found the issue of grading to be more and more difficult to deal with. Too often the student asks, "what grade did you give me?, when in fact, they should be asking "what grade did I earn?"

Senator Grant concluded by indicating that definitely the language that is used is not consistent nor does it have the same meaning for everyone. Continued discussion will take place before any resolution to this issue can be obtained.

Chair Vigeland asked for a slight change in the Agenda.

The Report from Students on the possibility of adding a diversity class to the UCR was heard next.

Four students from Dr. Linda Moore's Community Intervention Class, Michelle Jackson, Sarah Edwards, Sandra Thompson, and Leah Newcomer, presented information regarding a proposal to add a 3 credit hour diversity class (with reference to special populations) to the university curriculum requirements. Specifically, the students are proposing the implementation of a
required 1000 level 3-hour course, along with an additional optional 3-hour 3000 or 4000 level course, that focuses on one or more specific issues relating to diversity. The students administered a campus-wide survey, resulting in the return of 471 surveys. Respondents included 75% female and 25% male, with a mix of race and classification.

A few of the questions that resulted in the decision that a diversity course would be beneficial included:

"Are there tensions on campus relating to diversity?" 56% indicated YES
"Is there a need for more diversity education?" 66% indicated YES
"Would you support the inclusion of a class on diversity?" 53% indicated YES

The questionnaire included open-ended questions asking the students to elaborate about experiences they have encountered with diversity on campus. The students indicated that the research process was beneficial and a learning experience for all involved. They determined that there are currently a number of universities with successful diversity programs in place. In conclusion, the students believe that their findings reflect a need and a desire for diversity education and thus, support for this proposal.

* Senator Becker inquired if there was breakdown in the results by gender. The students responded that they did not document that information for each response

* Chair Vigeland suggested that the proposal be made available to the Undergraduate Council to consider as they review the UCR. He stated that the work was timely and beneficial.

Faculty Governance Committee Report and Motions

Chair Vigeland turned the meeting over to Senator Garrison who was making the report in place of Senator Rinewalt, who was out of town.

* Senator Garrison made the motion to amend the Senate Bylaws to incorporate the attendance policy currently in effect. The policy would be included in Article 2, Section 2, Item B of the Bylaws under a new number 9. Section 10 would reference the procedure currently used to replace a Senator when their position is vacated. Section 6 of the Bylaws would include the Standing Committees of the Faculty Senate.

* Senator Oberkircher seconded the motion. Senator Sacken called for the vote and the motion was passed with a unanimous vote.

* Senator Garrison presented copies of the Revised Faculty Senate Handbook to all Senators. The changes do not reflect any substantive changes, but formatting changes. Senator Garrison reviewed the changes and revisions for the Senators.

* Senator Grant suggested that we wait until the final meeting of the Senate to vote on the motion to accept the revised Faculty Senate Handbook.
Nominations for Senate Offices for 1998-1999

Chair Vigeland introduced the candidates for officers.

Chair-Elect: David Grant and Roger Pfaffenberger
Secretary: The Senator who is not elected Chair
Assistant Secretary: Lynn Flahive

Chair Vigeland called for other nominations from the floor. There were no other nominations at that time.

Budget and Finance Committee: 2 positions open

Mike Sacken nominated by Sherry Reynolds
Pat Paulus nominated by Chuck Becker
Gregg Franzwa nominated by Bob Vigeland

This slate of officers will be voted on at the April 30 meeting.

* Senator Bobich inquired about the charges for the Budget and Finance committee and how these charges were being fulfilled.

* Chair Vigeland indicated that a report will be given at the last meeting.

* Senator Franzwa also stated that the committee has followed the intent of the charges as established last year.

* Chair Vigeland explained that the continuing members on the Budget and Finance Committee are Ed McNertney and Dwight Simpson.

OLD BUSINESS

Report from the Tenure, Promotion, and Grievance Committee on continuing faculty review and collegiality issues.

Chair Vigeland turned the meeting over to Roger Pfaffenberger, Chair of the Committee.

* Senator Pfaffenberger referred to the distributed letter from Donald Jackson regarding the Family Medical Leave Act as it relates to the Tenure Policy. The current probationary period for tenure includes any leaves that a faculty member may take during that time and does not impact the tenure clock. Any exceptions to this policy must be approved by the Vice Chancellor of Academic Affairs. This new proposal is suggesting that if a faculty chooses to take a leave
under the FMLA this could in essence stop the tenure clock. This could extend the tenure clock from 7 years to 10 years, if the faculty member chose to invoke the FMLA and request the extension for the maximum amount of time during the tenure probation period. Senator Pfaffenger referred to the material mailed to the Senators prior to the Senate meeting. This included a survey of similar universities which have policies relating to this issue.

* Senator Pfaffenger asked for feedback and discussion from the Senators at this time.

* Senator Hughes asked whether adopting this proposal would prohibit TCU from developing a maternity/paternity leave policy. She gave the example of a faculty having a child in May, and is not teaching in the summer, and yet this is typically the most productive research time for faculty members. How would this be dealt with.

* Senator Pfaffenger stated that it would depend on who is actually the gatekeeper of this policy?

* Senator Greer stated that the employer has the ability to deny the leave under the FMLA.

* Senator Oberkircher suggested that the leave would be better if for 15 weeks, especially if taken at the beginning of the semester. He also asked how the FMLA would work for a department if the FMLA is invoked as an emergency situation and the timing was at the beginning of a semester or in the middle of the semester.

* Senator Pfaffenger stated that he has always believed and understood that when emergencies do come up, the department pitches in to cover classes and take care of those needs for the individual taking the leave in an emergency situation.

* Senator Grant asked if we have paid medical leave now? It was suggested that this was considered long-term disability.

* More discussion of several examples that have taken place on campus over the past few years that would qualify for the FMLA was had. Senator Nichols asked how 12 weeks off for FMLA is equal to 1 year extension.

* Senator Sacken stated that there is only one tenure review period and it is not flexible within the year.

* Senator Donovan ended the conversation on a lighter note, "Oh, what a tangled web we weave when we first practice to conceive". Laughter followed.....Senator Pfaffenger requested feedback from Senators prior to the final meeting of the year.
Proposal to change the Final Examination Schedule

Chair Vigeland passed out the proposal to all Senators to take back to their colleagues to discuss and gain feedback. This proposal will be voted on at the last meeting of the semester, Thursday, April 30, 1998.

Chair Vigeland called for a motion to adjourn at 5:00 p.m.

Respectfully submitted,

Sally L. Fortenberry, Ph.D.
Past-Chair
Academic Excellence Committee Report
2 April 1998

1. Grade Appeals Procedures ................................................. 2-5

At the October Senate meeting, the Academic Excellence Committee was asked to make a recommendation concerning the procedures for grade appeals developed by the Academic Appeals Committee. The Academic Excellence Committee met with George Gilbert, chair of the Academic Appeals Committee, last fall to revise the document submitted to the Senate. The Academic Appeals Committee recently met and approved the revisions suggested by the Academic Excellence Committee. These documents as revised are now attached and need Senate action.

2. Grade Distribution Histories ............................................. 6-9

3. GPAs of All Bachelor Degree Recipients, 1986-97 ..................... 9

4. Percentage of Total Graduates Awarded Latin Honors, 1957-97 .... 9
PROCEDURES FOR GRADE APPEALS

In the event a student questions the fairness of a grade assigned for a course or the results of another critical component of a degree requirement (e.g., oral exam, juried exhibition, thesis, etc.), the student must first discuss the matter with the faculty member(s). Matters of a grade disputes are best addressed as early as possible after the grade is assigned. In the event the faculty member agrees to change the grade, the normal process for changing a grade shall be followed.

1. GRADE APPEAL TO THE DEPARTMENT CHAIR

The faculty member(s)'s decision may be appealed in writing by the student to the department chair. A grade appeal must be initiated prior to the final drop date of the subsequent fall or spring semester. Exceptions to deadlines set forth herein for students in unusual circumstances (for example, studying abroad) may be granted in writing by the dean of the college in which the course (or critical component) was offered. The faculty member will respond in writing to the student's appeal. The department chair will become familiar with the facts of the case by communicating with the student and faculty member(s). The parties have the right to meet with the chair without the other party present.

The department chair may either accept or deny the student's appeal. The department chair will notify the student and faculty member(s) of his/her decision in writing within five academic days. In the event the department chair accepts the student's appeal he/she will initiate a grade change through the dean of the college.

If the department chair is involved in the appeal as a faculty member, the department chair's role in the appeal shall be assumed by the chair of the department advisory committee.

2. GRADE APPEAL TO THE ACADEMIC DEAN

The chair's position may be appealed in writing by the student or faculty member(s) to the appropriate dean within five academic days of the department chair's decision.

The dean will become familiar with the facts of the case by reading the prior appeal documents and by communicating with the student, faculty member(s) and department chair. The parties have the right to meet with the dean without the other party(s) present.

The academic dean will notify the student, faculty member and department chair of his/her decision in writing within five academic days. In the event the dean upholds the student's appeal, the change of grade shall be reported by the dean to the Registrar's Office.

3. GRADE APPEAL TO THE ACADEMIC APPEALS COMMITTEE

The dean's position may be appealed in writing by the student, faculty member(s) or department chair to the University's Academic Appeals Committee within five academic days of the dean's decision. The procedures for appealing to the Academic Appeals Committee are available through all academic departments, the Dean of Campus Life Office, or the Chair of the Academic Appeals Committee.

3-24-98
ACADEMIC APPEALS COMMITTEE
PROCEDURES AND POLICIES

Should one of the parties wish to appeal the dean’s position (in either an academic misconduct case or grade appeal), he/she must submit a written request, including the dean’s written position regarding the case to the chair of the Academic Appeals Committee. This must occur within five academic days of notification of the position taken by the dean if the case arises in the midst of the semester or within five academic days of the beginning of the following semester if the case arises at the end of a semester.

Grade appeals or academic misconduct cases which occur during the summer will follow the Academic Appeals Committee Procedures and will be heard by the members assigned to the University Committee. In the event that student committee members are not available during the summer, the chair of the Academic Appeals Committee may contact a member of the executive committee of the House of Student Representatives to serve as a replacement.

1. The chair of the Academic Appeals Committee shall establish the time and place of the hearing, notify the parties, and inform them of the procedures which will be followed. Academic Appeals Committee members involved during earlier stages of the process will be excused from participation in the Committee’s decision-making and shall not be present during Committee deliberations.

2. Both parties may be accompanied by a student or faculty member, who will serve as counsel, or they may be accompanied by legal counsel. If legal counsel is to be present on behalf of a party, the chair of the Academic Appeals Committee must be notified at least five academic days in advance of the hearing date. The chair shall then convey this information to all other parties and the chief academic officer at least three academic days before the hearing, in case they or the University may also wish to have legal counsel present. The presence of the legal counsel neither turns the hearing to a court of law nor binds the Committee to follow the procedures of a court of law.

3. All materials relevant to the incident or the grade appeal, including signed statements possessed by the parties and the dean, shall be submitted to the chair of the Committee at least 72 hours prior to the hearing, along with the written statements from the parties supporting or challenging the dean’s position. The chair will distribute the written information to the committee at least 24 hours prior to the hearing.

4. If significant new information has become available since the dean’s initial position statement, the Committee may return the case to the dean so that he/she may reconsider the case in light of the new information.

5. At the hearing, each Committee member will have all available information and each party will summarize his/her position in the presence of the other party. The Committee may then ask questions of the parties and may, at its discretion, allow the parties to ask and respond to questions and statement from one another.

6. If the materials include statements of individuals other than the two principal parties, these statements shall be presented in oral or written form. Such information is open to challenge by the principal parties. The names of these individuals shall be furnished to the Committee and the other party, unless the chair believes that such revelation would unjustly involve the individuals or would not be in the best interest of the University. When individuals do not appear before the Committee, their information shall be in the form of signed, written statements. Questioning of individuals other than the principal parties shall occur rarely and only when, the judgment of the Committee, it will contribute significantly to a just resolution of the case. All individuals called to a hearing are responsible for answering honestly any questions posed to them; the individual has the right to remain silent if he/she believes it is not in his/her best interest to answer. The Committee may, however, consider such refusal in its evaluation of the facts of the case.
7. When the Committee is satisfied that all relevant information has been presented, it shall retire to discuss the case. If there does not remain adequate time to reach a decision at the hearing itself, the Committee may reconvene at another agreed-upon-time–without undo delay–for discussion.

8. In carrying on deliberations and reaching a decision, the Committee shall bear in mind the requirement that the burden of proof in all cases shall rest with party bringing the charges of dishonesty or appealing a grade.

9. A majority of the members of the Committee shall constitute a quorum, provided there is at least one student member present. The Committee may act with less than a quorum if both sides agree to this procedure. A majority of those Committee members present at the hearing shall determine the decision of the Committee.

10. A record of the hearing shall be kept on a recording or by a stenographer furnished by the office of the chief academic officer. If one of the parties desires a written record of the proceeding, he/she will bear the expense of the transcription.

11. In cases of academic misconduct, the Committee chair will inform the principal parties, dean, and chief academic officer by written notice of the Committee’s decision and the reasons for it.

For grade appeals, written notice of the Committee’s decision will be sent to the faculty member, the student, the chief academic officer, the dean of the college of the student’s major, and the dean of the college in which the course was taken (if different). In decisions favoring the student, the duty of the Committee has been fulfilled once these written notices have been distributed. The Committee’s decision must then be implemented by the dean of the college in which the course was taken, unless it is appealed by the faculty member or dean to the Vice Chancellor for Academic Affairs.

The Committee’s decision is final unless the student, faculty member or academic dean appeals the decision to the Vice Chancellor for Academic Affairs. The ultimate appellate route is to the Chancellor. Regardless, the Committee is no longer involved in the case once its judgment has been rendered.

3-24-98
ACADEMIC APPEALS COMMITTEE
STANDARD AGENDA

Academic Appeals Committee hearing will normally follow the agenda provided below. However, the Committee reserves the right to alter this outline without prior notice for any given case.

1. Opening remarks from the chair (determination of a quorum, confidentiality statements, disclosure of objectivity, etc.)

2. Presentation of the Case:
   a. Position statement of first party
   b. Position statement of second party
   c. Statements of third parties

   (The first party is defined as the individual who makes the appeal to the Committee. There are no restrictions regarding the identity of the party who initiates the appeal. Both students and faculty members have the right to appeal the decision of a dean).

3. Questions from the Committee to all parties.

4. Closing Statements:
   a. First party
   b. Second party
   c. Third parties

5. Dismissal of parties.

6. Re-confirmation of confidentiality and impartiality.

7. Committee deliberation of the case in private.

8. Notification of decision.

3-24-98
Diversity Education Proposal

Diversity: The concept of diversity refers to special populations. Specifically, it includes issues related to ethnicity, gender, age, sexual orientation, disability, and religion. Other related concepts may include a focus on internationalism and the growing global community.

Proposal: As social work students with a collective interest in diversity and diversity education, we noticed that Texas Christian University lacks a diversity class requirement within the University Curriculum Requirements. Upon researching the topic, we realized that many prominent universities throughout the country have implemented programs to educate students on diversity. We are proposing the implementation of a one-thousand level three-hour course, along with an additional three-hour three or four thousand level course that focuses on one or more specific issues relating to diversity. The lower division course may be structured similarly to a freshmen seminar, while the upper division course may be structured similarly to the writing emphasis requirement. The suggested upper division course may be fulfilled by already existing diversity courses offered in various departments. We understand that many departments already offer a course(s) relating to issues in diversity; however, we support this requirement in an attempt for all university students to benefit from the learning attained in such courses. As the world shrinks and societies become enmeshed in one another, individuals must learn to effectively interact in various settings in order to create a successful work environment. Diversity education would provide students with opportunities to grow in knowledge and awareness, and as a result, would prepare them for employment and positive interaction in the greater society. Realizing TCU's commitment to excellence in education, we support and encourage the inclusion of a diversity requirement into the core curriculum.

Universities with Successful Diversity Programs:
Amherst College, Arizona State, Baylor University, Lehigh University, Southern Methodist University, Texas A&M University, Texas Woman's University, Trinity University, University of Michigan, University of Minnesota, University of Rhode Island, University of Southern California
HISTORY OF THE FACULTY SENATE
STATEMENT OF PURPOSE
FACULTY SENATE MISSION STATEMENT
STRUCTURE OF THE FACULTY SENATE
  Officers
  Standing Committees
  Meetings
  Responsibilities Of The Faculty Senate
  Responsibilities Of Senators
RESPONSIBILITIES OF FACULTY SENATE OFFICERS
  Chair
  Chair-elect
  Secretary
  Assistant Secretary
PAST-CHAIR
STANDING COMMITTEE CHARGES
  Academic Excellence
  Committee on Committees
  Faculty Governance
  Student Relations
  Tenure, Promotion, & Grievance
  Budget and Finance
PROCEDURE FOR PROCESSING ACTION ITEMS FROM COMMITTEES
HISTORY OF THE FACULTY SENATE

On May 6, 1968, at 4:30 p.m., the first meeting of the TCU Faculty Senate was called to order by Dr. James Newcomer, Vice Chancellor for Academic Affairs. This meeting was the culmination of a long process which included the development and revision of a constitution by the faculty, approval of that constitution by mail ballot by a majority of the faculty, and approval by the Board of Trustees.

The first Senate consisted of 36 elected members and two ex-officio members. As mandated by the constitution, each school and college (except Graduate School and the Division of Evening Courses) elected representatives in proportion to the number of faculty in the school or college. Also, fourteen members at-large were elected by the general faculty. Approximately half the members of the original Faculty Senate were elected for two-year terms, the remainder for one-year terms, so that in subsequent elections approximately half the Senate members could be elected each year.

According to the original Constitution, the Faculty Senate could discuss and express its views upon any matter affecting the University. It was also able to originate nominations for honorary degrees and had to confirm any nominees by other bodies.

Some of the first issues addressed by the Senate were the development of a Faculty-Student Concerns committee to “propose policy in the general field of student concerns as related to the faculty” (minutes, Nov. 6, 1969), the discussion and subsequent approval of The Bill of Students’ Rights and Responsibilities, discussion and rejection of a pass/no credit grading system, faculty salaries, and the development of a tenure policy. The faculty and the administration did not always see eye-to-eye on all matters and some attention was focused on the decision-making process.

Created simultaneously with the Faculty Senate was the Faculty Assembly which had its first meeting on September 14, 1968. This was the organization of the whole faculty and its major functions were to facilitate and encourage communication within the University; among the several schools; and among the faculty, students, administration, and the Board of Trustees. The Faculty Senate was, and continues to be, the representative body of the Faculty Assembly designed primarily to express the views of the teaching and research members of the faculty. According to its constitution, actions of the Faculty Senate were subject to review by the Faculty Assembly.

The organization and operation of the Faculty has remained much as it was in 1968. Many issues of concern at its origination continue to be addressed. The Faculty Senate has grown as the University has expanded and reorganized and now represents six schools and colleges with five different divisions.

On May 9, 1990, Chancellor William E. Tucker made the room on the left just inside the main entrance to the Faculty Center (Reed 214A) available to serve as an office for the Faculty Senate. It is staffed by a student secretary whose hours are posted on the door and used by senate officers, committees, and members. Across from it is a room (214B) which houses historical artifacts and documents of the founders of TCU. Faculty senators should feel free to use this office, archived materials, and secretarial services. Any suggestions for more effective use of this office should be passed on to the Executive Committee.

FACULTY SENATE OFFICE:
REED HALL 214
Phone: 257-7859
P.O. Box 297240
I. STATEMENT OF PURPOSE

The faculty senator has many responsibilities. New senators often want clarification of these charges as well as any pertinent information they might need for both Faculty Senate discussions and better serving their constituents. Even experienced senators might feel the need for such information. The purpose of this handbook, therefore, is to describe the roles and responsibilities of faculty senators, senate officers, and the senate committees with their various charges. It also provides information about major policies which govern both our teaching and research roles and our rights as faculty at Texas Christian University, and about various established channels of communication at selected levels of university administration. It is a centralized collection of pertinent information intended not to replace the Handbook for Faculty and University Staff, but to provide each faculty senator a ready reference, especially at Faculty Senate meetings. A brief history of the contributions of the Faculty Senate is also included to help senators see that their participation in the Faculty Senate can be instrumental in bringing about the kinds of changes which enhance our effectiveness as teachers and scholars.

II. FACULTY SENATE MISSION STATEMENT

The mission statement of the Texas Christian University Faculty Senate is found in the Constitution of the Faculty Assembly and Faculty Senate. "The Faculty Senate is the representative body of the Faculty Assembly designed primarily to express the views of the teaching and research members of the faculty." The views may be expressed upon any matter affecting the University including educational policies, degree requirements, curricula, questions of academic freedom, student-faculty relations, faculty-administration relations, and practices of the University.

RELATION TO THE MISSION THEMES OF THE UNIVERSITY

A. The Core Mission: The free expression of the views of the teaching and research members of the faculty is essential to the fulfillment of the core mission of fostering learning in the liberal arts, sciences and professions. This expression serves to ensure integrity of educational programs and promotes the academic freedom necessary to fulfill the primary mission of the University.

B. The University Environment: The expression of views regarding student-faculty relations as well administrator-faculty relations affirms the value of individuals in a university community and fosters an environment that permits and encourages pluralism, diversity, and critical inquiry. The open debate of these and other issues in the Senate provides an example to other members of the University of the values of the Faculty in these matters.

C. The University and its public: The Faculty Senate reviews policies related to research contracts, athletics, and admission policies and makes recommendations. The Faculty Senate reviews and makes nominations for Honorary Degrees acknowledging the interrelationship of the University and the community. Issues of social importance such as minority concerns or divestment are openly debated and recommendations forwarded. The Senate works closely with the student leaders on issues of mutual concern.

D. The Management of the University: The Faculty Senate reviews broad financial policies and makes recommendations to the appropriate body. The Senate also closely monitors resources crucial to the education endeavor such as the Library. The Faculty Senate as a body and its members individually participate in planning and self-evaluation. Each year,
the Senate forwards recommendations for University Committee appointments and makes recommendations when necessary to fill vacant appointments or select committees.

III. STRUCTURE OF THE FACULTY SENATE

A. Officers

1. The Officers of the Senate shall be the Chair, Chair-elect, Secretary, and Assistant Secretary. No more than three of these officers shall be from the same College or School.

2. The Chair-elect, Secretary, and Assistant Secretary shall be elected by the Senate at the last meeting of the academic year and the term of office shall be one year. The incumbent Chair-elect shall become Chair. The Committee on Committees shall serve as the nominating committee for all officer elections.

   a) Eligibility for Office
      A Senator who has served during the current academic year is eligible for nomination to any office, providing there is at least one year remaining in the Senator's term. If the Senate term of the Chair-elect shall expire before the conclusion of the Chair-elect's term of office as Chair, the Chair-elect shall assume the office of Chair as an ex-officio member of the Senate.

   b) Parliamentarian
      At the last meeting of each academic year, the Chair shall appoint a Parliamentarian from among the elected members.

   c) Vacancies
      In the event of a vacancy in the office of Chair, the Chair-elect becomes Chair, and the Senate elects a new Chair-elect. In the event of a vacancy in the offices of Chair-elect or Assistant Secretary, a new Chair-elect or Assistant Secretary, is elected by the Senate. Election of officers to fill these vacancies shall be administered by the Faculty Election Committee through mail ballot within 30 days of the occurrence of the vacancy.

B. Standing Committees

1. The Standing Committees of the Faculty Senate are Academic Excellence; Committee on Committees; Faculty Governance; Student Relations; Tenure, Promotion, and Grievance; and Budget and Finance.

2. Faculty Senate Committees meet on the second Thursday of each month during the academic year at 3:30 p.m. unless otherwise scheduled.

3. Committees meet as needed with the Chair of the Faculty Senate.

C. Meetings

1. Normally, the Faculty Senate meets on the first Thursday of each month during the academic year, except January, at 3:30 p.m.

2. To increase communication, extra meetings with the administration are encouraged, specifically with the Vice Chancellors and the Deans.
D. Responsibilities Of The Faculty Senate

1. The Faculty Senate may discuss and express its views upon any matter affecting the University.

2. The Faculty Senate shall have the power to review and evaluate the educational policies, degree requirements, curricula, questions on academic freedom, student-faculty relations, and all questions pertaining to the practices of the University, and make recommendations concerning them through appropriate channels.

3. The Faculty Senate may review admissions policies, research contract policy, student behaviors policies, athletic policies, and broad financial policies and make recommendations to the Administration, Faculty, University Council, House of Student Representatives, and to the Board of Trustees.

4. The Faculty Senate provides input to the Executive Committee for their meetings with the Board of Trustees, Chancellor, and Provost/Vice Chancellor for Academic Affairs.

5. The Faculty Senate promotes interdisciplinary communication among faculty and between faculty and the Chancellor.
   a. Invite and/or consult with the appropriate Administrative and Faculty office and committees to bring speakers/consultants who will address topics of interdisciplinary concern to the University.
   b. Promote Faculty Senate input on the establishment of interdisciplinary programs.

E. Responsibilities Of Senators

1. Communicate with their constituencies both formally and informally.

2. Serve on Senate committees and attend committee meetings.

3. Attend Faculty Assembly meetings and functions.

IV. RESPONSIBILITIES OF FACULTY SENATE OFFICERS

A. Serve as members of the Faculty Senate Executive Committee.

1. Fulfill responsibilities as listed in the Senate Constitution and By-Laws.

2. Attend meetings.
   a. The Executive Committee meets on the third Thursday of each month during the academic year at 3:30 p.m.
   b. The Executive Committee meets with the Board of Trustees in November and March of each academic year. The date and time are not predetermined.
c. The Executive Committee meets with the Chancellor once in the fall and once in the spring. The time and date are not predetermined.

d. The Executive Committee meets with the Vice Chancellor for Academic Affairs on the fourth Thursday of each month during the academic year, except December, at 3:30 p.m.

e. Each Executive Committee member will be a liaison to one or more of the Senate Committees.

f. Executive Committee members may meet during the summers and Christmas holidays as deemed necessary and shall act on behalf of the Senate on matters that, in their judgment, cannot be deferred.

g. The Executive Committee members will serve in the capacity of the Grievance Committee as indicated in the Faculty Grievance Policy IV, B1, *Handbook for Faculty and University Staff*.

B. Chair

1. Schedule meetings of the Executive Committee during summer to plan upcoming year's agenda items and committee charges.

2. Schedule Fall and Spring Faculty Assemblies and plan agendas in consultation with Executive Committee and Vice Chancellor for Academic Affairs.

3. Schedule joint meetings of Faculty Senate and Student House of Representatives at least once a semester and plan agenda with Student HOR Officers and Executive Committee.

4. Plan agenda for all regularly scheduled Senate meetings in consultation with the Executive Committee and committee chairs.

5. Invite *Skiff* reporter to cover all the regularly scheduled Senate meetings during the year.

6. Schedule and plan an orientation meeting for the Senate committee chairs.

7. Evaluate and update the *Faculty Senate Handbook* as deemed necessary.

8. Schedule meetings of the Executive Committee and the Chancellor for the University and plan discussion topics.

9. Prepare presentation to the Board of Trustees Faculty Relations Committee in consultation with the Executive Committee and Vice Chancellor for Academic Affairs.

10. Plan discussion topics for meetings of Executive Committee and Vice Chancellor for Academic Affairs in consultation with Executive Committee.

   a. Review action items from Senate meetings that need to be discussed with Vice Chancellor for Academic Affairs.

   b. Follow-up on all motions or resolutions passed during Senate meetings.
11. Represent the Faculty and the Faculty Senate at the following events:
   a. Fall Convocation.
   b. Honors Convocation.
   c. December and May Graduations.
   d. Board of Trustees (Faculty Relations Committee) meeting and luncheon.
   e. Any other events as deemed necessary.

12. Prepare closing remarks for the final Senate meeting of the academic year outlining those charges that have been successfully completed and those that are pending.
   a. Prepare a handout for all Senators containing this information.
   b. Submit this information to Vice Chancellor for Academic Affairs.

13. Discuss with Vice Chancellor for Academic Affairs the budget line for the year in order to provide the following:
   a. Work-study student to assist the Senate Chair, Executive Committee and Committee Chairs.
   b. Budget for the Chair to have a one-course reduction in teaching load for two semesters.
   c. Budget for printing, photocopying, mailing and supplies.

14. Serve on the Consultative Committee (with elected members of the Faculty Senate in the final year of their terms of office) to consult and advise the Chancellor and other administrative officers and, under unusual circumstances, the Board of Trustees on matters of general University concern, including faculty grievance appeals.

C. Chair-elect

1. Assist the Chair in planning the agenda for Faculty Senate meetings.

2. Meet monthly with one of the standing committees of the Faculty Senate as a liaison to the Executive Committee.

3. Serve as Chair of the Faculty Senate in the absence of the Chair.

D. Secretary

1. Take minutes at all formal Senate meetings, Faculty Assemblies and any special meetings that may be called to order.

2. At least one week before the next meeting date, distribute the minutes to all faculty members, members of the administration, the Assistant to the Provost, Library Archives, the President of the Student House of Representatives and the Skiff reporter assigned to the Senate.
3. Take attendance and record it in the minutes.

4. Distribute the agenda for any Senate meeting, Faculty Assembly or special meeting.

5. Serve as a liaison to a Senate Committee.

6. Research the Library Archives, as needed and requested by Senate Committee Chairs, for information relating to current issues which may appear in previous Senate minutes.

7. Assist the Chair of the Faculty Senate in revising the Faculty Senate Handbook as needed.

8. Serve on the Consultative Committee (with the Chair of the Faculty Senate and elected members of the Faculty Senate in the final year of their terms of office) to consult and advise the Chancellor and other administrative officers and, under unusual circumstances, the Board of Trustees on matters of general University concern, including faculty grievance appeals.

E. Assistant Secretary

1. The principal duty of the Assistant Secretary is to conduct the annual Faculty Senate elections in consultation with the Faculty Election Committee.
   a. Obtain an official faculty list from the Vice Chancellor for Academic Affairs.
   b. Determine the number of senators allocated from each unit of the University.
   c. Canvas eligible faculty members as to their willingness to serve on the Faculty Senate.
   d. Conduct a preliminary and final ballot.
   e. Conduct a preliminary and final ballot for the election of at-large members.
   f. Fill vacancies which may occur between elections in accordance with the Bylaws of the Faculty Senate Article II, Section 2, B., 9.

2. Conduct the final election of University Council at-large members after the specific colleges have completed the initial election process.

3. Conduct any other elections required by the Faculty Senate

V. PAST-CHAIR

A. Responsibilities

1. Serve as Chair of Peer Advisors and Faculty Mentors.
   a. Recruit for both groups.
   b. Disseminate information to new faculty:
i. Peer Advisor list.

ii. Faculty Mentor list.

iii. Discrimination policy.

2. Participate in all meetings of Executive Committee.

3. Arrange for presentation of plaque to chair at final meeting.

B. If the immediate past chair is not available, the Executive Committee will select a person from those who have previously served as Chair of the Faculty Senate.

VI. STANDING COMMITTEE CHARGES

A. Academic Excellence

1. Maintain interest in and awareness of all policies, procedures, programs, and goals that affect the academic excellence of the University.

2. Study and advise the Faculty Senate on any request concerning academic matters forwarded by the Student House of Representatives.

3. In conjunction with the University Library Committee, monitor the status of library resources.

4. Meet with the Student House of Representatives’ Academic Excellence Committee at least annually in order to monitor issues of concern for University students.

B. Committee on Committees

1. Represent the interests of the faculty in the structure, functions, and membership of University Committees.

2. Review University committees to determine if (1) existing committees are necessary; (2) their charges, memberships, and administrative oversight are appropriate; and (3) new committees are needed.

3. Working jointly with the Executive Committee, nominate candidates for senate offices.

4. Nominate members for all University committees.

C. Faculty Governance

1. Monitor the structure and functions of the Faculty Senate and Senate committees.

2. Recommend changes that will improve the effectiveness of the Faculty Senate and Senate committees in University governance.

D. Student Relations

1. Represent the Faculty Senate on matters involving student concerns.
2. Meet with the officers of the Student House of Representatives at least annually in order to monitor issues of concern to the student community of the University.

E. Tenure, Promotion, & Grievance

Monitor the effectiveness of the University policies on tenure and promotion as set forth in the *Handbook for Faculty and University Staff*.

F. Budget and Finance

1. Participate in an advisory capacity in the formulation of budgetary priorities and allocations for the University.

2. Serve as a channel of communication between faculty and administration concerning financial issues.

VII. PROCEDURE FOR PROCESSING ACTION ITEMS FROM COMMITTEES

A. Communicate to the Executive Committee via Liaison the issues that require presentation to the Administration to determine routing procedure prior to presentation to full Senate.

B. Prepare informal report or formal motion or resolution as appropriate for presentation to full Senate.

C. Follow-up with Executive Committee to ensure that the proper administrator has been informed of Executive Committee’s report/motion and that action is being taken to resolve the issue.
MEMO

TO: Senators
FROM: Roger Pfaffenberger
DATE: March 31, 1998
SUBJECT: Proposed amendment to tenure policy – Family Medical Leave Act

At the request of Kathleen Martin, then Chair of the Faculty Senate, Don Jackson and Mike Sacken studied the question of the impact of the Family Medical Leave Act on the probationary period for tenure. Based on their study, Don Jackson on February 12, 1998 sent the attached proposed amendment to the tenure policy to Bob Vigeland, current Chair of the Faculty Senate. The proposed amendment statement plus supporting materials were sent by Bob to the Tenure, Promotion, and Grievance Committee on February 25, 1998.

The TPG Committee met on Thursday, March 12 to discuss the proposed amendment, among other issues. Based on the discussion at this meeting, the Committee decided to share the proposed amendment with the Senate for reactions before engaging in further deliberation on the matter.

Attached please find:

2. The proposed amendment to the Tenure Policy (Section II - Permanent Tenure).
4. A survey of 5 schools (Baylor, Rice, Tulane, U. of Tulsa, and SMU) on their policies concerning extension of the tenure clock based on the FMLA.

Salient points and issues:

1. FMLA may be used for three purposes: (1) to care for the employee’s child after birth, or placement for adoption or foster care; (2) to care for employee’s spouse, son or daughter, or parent, who has a serious health condition; or (3) for a serious health condition that makes the employee unable to perform the employee’s job.
2. The proposed amendment extends the probationary period for one year when an employee exercises the right to the full term of 12 weeks leave.
3. The proposed amendment may be exercised up to 3 times during the probationary period, potentially extending the probationary period from 7 years to 10 years.
4. If an employee exercises his or her right to the full term of 12 weeks leave under FMLA, then the employee has the sole option of notifying the Provost of his or her election to extend the probationary period by one year. And, such an elective extension shall be honored by the University.
12 February 1998

TO:  PROFESSOR ROBERT VIGELAND, CHAIR
     FACULTY SENATE
     TCU BOX 298530

FR:  DONALD JACKSON, POLITICAL SCIENCE

RE:  Proposed amendment to tenure policy--Family Medical Leave Act

In November 1996, Kathleen Martin, then Chair of the Faculty Senate, asked Mike Sacken and me to study the question of the impact of the Family Medical Leave Act on the probationary period for tenure. The key point is that if a faculty member invokes her/his right to 12 weeks of unpaid leave, what impact ought that to have on the probationary period.

Attached to this memo is a proposed amendment to the TCU Tenure Policy. The proposal can best be understood in the context of the two sets of documents that I enclose.

Relative to the two sets of documents. The top one is a chronological record of our work on this issue, which began with a memo that I wrote in 1995 and concludes with my memo of 4 February 1998. The one marked background contains a number of policy statements relative to tenure and the FMLA.

I assume that you will refer this proposal to the appropriate Senate committee. I hope the two sets of documents will be helpful, but, of course, I will be willing to meet with any committee that may review this proposal.

cc:  Memo and proposed change without enclosures
     Mike Sacken, TCU Box 297900
     Dean Priscilla Tate, TCU Box 297200

I have extra sets of pages, as needed.
Proposed amendment to Tenure Policy, Section II - Permanent Tenure
(page 12 of the current Handbook)

Paragraph B. Probationary periods of service.

Subparagraph 3.b., which presently reads as follows:

Time spent on leave of absence from TCU will count as part of the probationary period of service. Exceptions must be approved by the Vice Chancellor for Academic Affairs and stated in writing at the time of granting the leave.

Shall be amended to read as follows (changes in bold).

Time spent on leave of absence from TCU will count as part of the probationary period of service except for leave taken under the Family Medical Leave Act of 1993 as applied at TCU through Policy #6.025 (Leaves of Absence). In the sole instance of leave taken under the Family Medical Leave Act, a TCU faculty member holding a tenure track appointment who exercises his/her right to the full term of 12 weeks leave allowed during each calendar year, may at the time of exercising her/his claim to such leave—at his/her sole option—notify in writing the Vice Chancellor of Academic Affairs of her/his election to extend the probationary period by one year. Such elective extension shall be honored by the University. Any such elective extension of the probationary period under this Family Medical Leave Act may be claimed—at the sole option of the faculty member—no more than three times, for a total possible extension of three years. A faculty member claiming any extension that has the effect of extending the probationary period beyond seven years shall be considered thereby to have waived any right to a claim of de facto tenure. Any other exceptions must be approved by the Vice Chancellor for Academic Affairs and stated in writing at the time of granting the leave.
YOUR RIGHTS
under the
FAMILY AND MEDICAL LEAVE ACT OF 1993

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to “eligible” employees for certain family and medical reasons. Employees are eligible if they have worked for a covered employer for at least one year, and for 1,250 hours over the previous 12 months, and if there are at least 50 employees within 75 miles.

REASONS FOR TAKING LEAVE: Unpaid leave must be granted for any of the following reasons:

- to care for the employee’s child after birth, or placement for adoption or foster care;
- to care for the employee’s spouse, son or daughter, or parent, who has a serious health condition; or
- for a serious health condition that makes the employee unable to perform the employee’s job.

At the employee’s or employer’s option, certain kinds of paid leave may be substituted for unpaid leave.

ADVANCE NOTICE AND MEDICAL CERTIFICATION: The employee may be required to provide advance leave notice and medical certification. Taking leave may be denied if requirements are not met.

- The employee ordinarily must provide 30 days advance notice when the leave is "foreseeable."
- An employer may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the employer’s expense) and a fitness for duty report to return to work.

JOB BENEFITS AND PROTECTION:

- For the duration of FMLA leave, the employer must maintain the employee’s health coverage under any "group health plan."
- Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.
- The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee’s leave.

UNLAWFUL ACT BY EMPLOYERS: FMLA makes it unlawful for any employer to:

- interfere with, restrain, or deny the exercise of any right provided under FMLA;
- discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

ENFORCEMENT:

- The U.S. Department of Labor is authorized to investigate and resolve complaints of violations.
- An eligible employee may bring a civil action against an employer for violations.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FOR ADDITIONAL INFORMATION: Contact the nearest office of the Wage and Hour Division, listed in most telephone directories under U.S. Government, Department of Labor.
December 10, 1996

TO: William H. Koehler  
    Provost

FROM: John A. Weiss
    Director, Human Resources

SUBJECT: Updated survey regarding extension of time for tenure consideration due to FMLA leave

Last year we surveyed several other universities to determine whether extensions of time for tenure were granted when faculty take leave under the Family Medical Leave Act. A telephone survey was recently conducted to update this information. Results are as follows:

- Baylor  - Extension of time for tenure determined on a case-by-case basis.
- Rice   - A leave will not extend the maximum time for reaching tenure, which is nine years from the date of initial employment.
- Tulane - An extension of one year may be requested for serious illness or professional disaster (fire, lab disaster, etc.).
- University of Tulsa - Requests considered on a case-by-case basis.
- SMU    - FMLA leave stops the clock for tenure for one year.

Please let me know if you require additional information.
Proposals for a Revised Final Examination Schedule

The current final examination schedule combined with the requirement to turn in grades for graduating seniors by 5:00 p.m. on the Wednesday before Commencement places an unnecessary burden on students and faculty alike. For instructors of classes with graduating seniors and an exam scheduled on Wednesday, it is nearly impossible to offer a meaningful final examination and still meet the deadline for grade reports for graduating seniors. The current final exam schedule is as follows:

Current final examination schedule:

<table>
<thead>
<tr>
<th>Day</th>
<th>Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wednesday</td>
<td>Last day of classes</td>
</tr>
<tr>
<td>Thursday</td>
<td>Study day</td>
</tr>
<tr>
<td>Friday</td>
<td>Study day</td>
</tr>
<tr>
<td>Monday</td>
<td>Finals</td>
</tr>
<tr>
<td>Tuesday</td>
<td>Finals</td>
</tr>
<tr>
<td>Wednesday</td>
<td>Finals</td>
</tr>
<tr>
<td>Thursday</td>
<td>Finals</td>
</tr>
<tr>
<td>Friday</td>
<td>Finals</td>
</tr>
<tr>
<td>Saturday</td>
<td>Commencement</td>
</tr>
</tbody>
</table>

The current policy for dealing with graduating seniors reads as follows:

Grades for graduating seniors must be submitted to the Registrar at least 72 hours prior to commencement exercises. In any term in which a commencement is scheduled, study days and Saturday will be available for faculty to reschedule final examinations for graduating students. Final examinations originally scheduled the last two days of final exam week may be rescheduled on the corresponding study days and Saturday as required at the same time of day as originally scheduled.

**Alternative 1:** Make Wednesday a study day and ending the semester and starting the exam period a day earlier, as follows.

Proposed final examination schedule:

<table>
<thead>
<tr>
<th>Day</th>
<th>Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tuesday</td>
<td>Last day of classes</td>
</tr>
<tr>
<td>Wednesday</td>
<td>Study day</td>
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<td>Thursday</td>
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</tr>
<tr>
<td>Friday</td>
<td>Finals</td>
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<td>Monday</td>
<td>Finals</td>
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<td>Tuesday</td>
<td>Finals</td>
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<td>Study day</td>
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<tr>
<td>Thursday</td>
<td>Finals</td>
</tr>
<tr>
<td>Friday</td>
<td>Finals</td>
</tr>
<tr>
<td>Saturday</td>
<td>Commencement</td>
</tr>
</tbody>
</table>
**Alternative 2:** End the semester on Wednesday and make the Friday study day an exam day and add a second study day on Wednesday of the current exam week, as follows.

Proposed final examination schedule:

- **Wednesday:** Last day of classes
- **Thursday:** Study day
- **Friday:** Finals
- **Monday:** Finals
- **Tuesday:** Finals
- **Wednesday:** Study day
- **Thursday:** Finals
- **Friday:** Finals
- **Saturday:** Commencement

**Alternative 3:** Leave the exam schedule alone and change the policy for graduating seniors as follows:

Grades for graduating seniors must be submitted to the Registrar at least 72 hours prior to commencement exercises. In any term in which a commencement is scheduled, study days and Saturday will be available for faculty to reschedule final examinations for graduating students. Final examinations originally scheduled the last three days of final exam week may be rescheduled on the corresponding study days and Saturday as required at the same time of day as originally scheduled.
THE FACULTY SENATE
Texas Christian University

A summary sheet of the minutes from March 5, 1998.

• The following items were distributed to the Senate and are included with the minutes:
  --Texas Christian University Faculty Senate Handbook proposed revisions

• Chair Vigeland introduced the new Skiff reporter.

• Chair Vigeland briefed the Senate on the Chancellor search.

• Chair Vigeland announced the advisor training session.

• Senator Dick Rinewalt reported on the proposed changes to the TCU Faculty Handbook.

• Senator Roger Pfaffenberger gave the Senate an update on the Tenure, Promotion, and Grievance Committee's work.

• Chair Vigeland led discussion on the Student Perceptions of Teaching (SPOT) evaluations.