

Minutes
TCU Faculty Senate
1 November, 2001

Members present: Charles Becker, Joe Bobich, George Brown, Ron Burns, Arthur Busbey, Carolyn Cagle, Nowell Donovan, Lynn Flahive, Andy Fort, Sally Fortenberry, Pam Frable, Gregg Franzwa, Rob Garnett, Phil Hadlock, Sanoa Hensley, Jennifer Higa, Paul King, Ed Kolesar, George Low, Joan McGettigan, Dick Rinewalt, Magnus Rittby, Mike Sacken, Gene Smith, Jeffrey Todd, Bill Vanderhoof, Peggy Watson, Ralph Woodward.

Members absent: Melissa Burns, Thad Duhigg, Ron Flowers, Ellen Garrison, Derek Kompare, Nancy Meadows, Don Nicols, Elizabeth Taylor, Ron Watson, Melissa Young.

Members with excused absences: Sharon Fairchild

Chair Carolyn Spence Cagle convened the meeting at 3:34PM.

The October minutes were approved with minor changes.

The Chair briefly described the Trick or Cheat student discussion. This discussion was presented with the Chair of the Senate Academic Excellence and the Senate Past-chair serving as part of a panel. The issue related to the AE committee gaining student and other constituents' perspective on defining academic integrity and support for a honor code at TCU.

New Business

The Chair reminded the senate that at the last Faculty Senate meeting, and in email, senators were sent the document with pro and con essays on the modification of current grievance policy to cover grievance for cause. She opened the discussion on this matter and also on the lack of adherence to procedure as outlined in the Handbook. Senator King of the TP&G Committee requested a public discussion of the matter and took notes on Senator feedback. At the first meeting of the Faculty Senate for the 2001-2002 term, Provost Koehler said that the proposed changes to the Conflict Resolution Policy were rejected. There was no specific mention that this was a grievance for substantive reasons. It is recommended to have the Tenure, Promotion, and Grievance Committee examine the policy accepted by the Senate in 2000, edit it based on Dr. Koehler's comments, and then potentially propose an edited version to the Senate this year.

Should TCU allow faculty grievance if it is said that the decision was wrong? Violation of academic freedom would be an example.

Senator Watson noted that she distributed the position paper to the faculty in her department. Everyone who talked was supportive of leaving as is with only grievance for procedural violations as long as the procedures were precise and laid out. The Chair asked if the current statements were precise enough. Senator Watson said she wasn't sure if they were precise enough, but as long as they are specific in the handbook the Senate should not have a new procedure for cause.

Senator Brown asked why grievance for substantive causes was not included in the original formation of the grievance procedures. Senator King said that the procedure as defined was based on the typical judicial model that provides for procedural grievances. Department faculty make decisions about merits and appeals courts are only involved in issues of constitutional problems or policy violations. As far as the academy is concerned it is assumed that the expertise lies within the academic unit.

Senator Fort suggested that the “Pandora’s Box” in this is who has command of the *corpus* of knowledge (in a particular department) that allows the judgment to be made and who gets to decide who the authorities are. Who are other faculty to judge an individual when they don’t know as much about the subject as the faculty in a particular department? He maintained that if procedure is opened to substantive grievances then the process becomes lawsuit prone.

Senator Todd noted that when a department lacks experts in the faculty member’s field that external letters should suffice to evaluate the faculty member’s research. Senator Fort noted that one could choose external authorities that agree or disagree. Senator Todd said that the department and individual could choose external reviewers.

Senator Fortenbury said that most grievances are filed not for procedural reasons but for substantive reasons. Faculty file because they think they have been aggrieved and not because of perceived procedural violations. Tenure candidates frequently don’t know what they should be aggrieving.

Senator Franzwa posed several questions for Provost Koehler. Senator Franzwa asked if anyone had ever won a procedural grievance (before this year). Provost Koehler replied that he was aware of two. Senator Franzwa asked how many cases had been brought forward, thinking that two or three a year was the norm. Provost Koehler said that not that many a year were brought forward for tenure. Of the cases filed, only two made it to a hearing committee. Secondly Senator Franzwa asked, given the Provost’s understanding of what is being suggested, if it was possible that the Provost would agree to grievances based on substantive reasons?

Provost Koehler responded that he would support the changes if the “everyone” agrees to them but did not further define “everyone”. His position is that faculty should not give up more rights in department than they have to. If is time for a change then he is willing to follow it up.

Senator Sacken said that the proposal was discussed in the School of Education. No one was in favor of substantive grievances.

Senator Franzwa noted that in over 25 years of experience he has seen many faculty fired for a variety of reasons and has heard many arguments. He is inclined to support substantive grievances because procedural grievances infrequently succeed even though many procedural errors are made. The grievance committee rates how significant the procedural violations are and frequently decide not to continue. Senator Franzwa thinks that procedural grievances are not crucial to most Faculty Senate members. He notes that procedures are frequently not clearly

stated at department level and that there can be much ambiguity, so it may not be entirely clear when procedures have been violated.

Senator King said that since Senator Franzwa spoke in favor of the Conflict Resolution Policy that he (King) felt compelled to present the other side of the argument. Senator King is disturbed by the idea that the faculty in a department and on advisory committees would not have the final say on the competency of a faculty member up for tenure. Senator King would be loath to tell, for example, the Chair of the Art Department that a young artist is good enough to merit tenure when the faculty and Chair disagree. Senator King doesn't like making decisions like this when he does not have the expertise to evaluate the situation and that this could result in an endless chain of everyone complaining at each level of tenure evaluation.

Senator Brown asked if grievances could be brought forward because of ethical matters. Senator Franzwa said this hasn't been done to his knowledge.

Senator Fortenbury commented that faculty think all grievances are procedural.

Senator Fort is concerned about faculty "getting shafted". He said the Faculty Senate should find a better solution than what we have now. Senator Fort said that "things don't seem to be right and that the Faculty Senate should look even more closely at procedural issues.

Senator Fortenbury said that faculty should file procedural grievances earlier in their tenure track career if procedures are being violated and Senator King noted that this has occurred.

Senator Kolesar, in response to comments by Provost Koehler in the first Faculty Senate Meeting of the year, noted that that TP&G Committee didn't just copy the staff grievance policy. Their directive from the Faculty Senate Executive Committee was to take the format of the staff grievance policy and see if it parts could be adapted with future changes and modifications. The TP&G Committee took something that was working and adapted it.

Provost Koehler commented that something that works for the staff doesn't necessarily work for the faculty.

Senator Kolesar said the policy was written to help solve problems at their earliest stages. It tries to stop conflicts early because of department or individual problems. Normally tenure evaluation letters alert a person to the fact that they are not performing up to expectations. A faculty member reading such letters should open a dialog with the department and find out what needs changing. He said that mediation brings forth what is bothering everyone and provides an opportunity for solutions to be proposed.

SACs update

Dr. Alan Shepard presented a short update on the status of the SACSs evaluation. He noted how much better the technology was for this review versus the review 10 years ago. He noted that initial perusal of student surveys returned so far, shows a pattern that students: 1) like the faculty

but, 2) are upset with campus police, 3) are upset with parking and, 4) are upset with dining services. There is no common pattern with faculty.

Status of the Center for International Education

The Chair introduced Mr. Luis Canales, the recently appointed Director of International Education.

Mr. Canales was attracted to TCU by the global emphasis in the TCU mission statement. He likes the large number of students who participate in study abroad opportunities.

He discussed the planned programmatic thrusts of the Center.

Senator Sacken noted that he attended a luncheon for new international students and said there was talk of a mentoring program. Mr. Canales said they were working with the ESL program to work with new students so they would feel so isolated.

New Committee Proposed

Senator Rinewalt presented a proposal for a new committee on Health and Environmental Issues. Jill Lasater noted that TCU used to have a similar committee but it has languished. This new committee would deal with issues of air quality, sick building syndrome, asbestos, ergonomics and so on.

Senator Busbey supported the idea and noted it would ideal for the discussion of the topic of the possible health issues of wireless communication. We have been addressing with *ad hoc* committees but not consistent.

Senator King then presented a motion to applaud the Star Telegram editorial by Senator Franzwa in defense of the Academy in the face of suggested irresponsibility. The motion received unanimous support from the Ssenate and was passed.

The Faculty Senate then entered into executive session.

The Faculty Senate was adjourned at 4:53 PM.

Respectfully submitted,
Arthur B. Busbey, Secretary