

JOURNAL OF THE UNIVERSITY SENATE
The University of Oklahoma
Norman

Regular Session - February 22, 1971 - 3 30 p.m.

The University Senate was called to order by Dr. Cluff E. Hopla, Chairman.

<u>Present:</u> Babb, Stanley E., Jr.	Henderson, George	Nuttall, Edmund
Bowen, Willis H.	Hilbert, Richard	Parr, Arnold
Burwell, James	Hopla, Cluff E.	Shepherd, Gene
Costello, James F.	Johnson, B. Connor	Smouse, A.D.
Crim, Sarah	Kendall, J.L.	Taylor, K.L.
Daniels, Ray	Lancaster, John H.	Truex, Dorothy
David, Paul	Levy, David	Weinheimer, A.J.
Frueth, Forrest	Livezey, William	Zelby, Leon
Gregory, Helen	Love, Tom	
Grunder, J. Richard	Marshall, Geoffrey	
Hall, Rufus	McNichols, William	
Harden, Darrell	Norton, Spencer	
<u>Absent:</u> Abell, Creed	Parker, Jack	Tolson, Melvin E.
Deckert, Gordon C.	Potter, Emma	Weiss, A. Kurt
Hansen, Robert	Snow, James B., Jr.	Zahasky, Mary
Lynn, Thomas N.	Sokatch, John	

APPROVAL OF MINUTES

The Journal of the University Senate for the regular session on January 25, 1971, was approved.

ACTION BY INTERIM PRESIDENT PETE KYLE McCARTER

Academic Appeals Board. On February 6, 1971, Dr. Pete Kyle McCarter, Interim President of the University, approved the recommendation of the University Senate for the establishment of an academic appeals board at each of the degree-recommending colleges of the University. (See page 2 of the University Senate Journal for April 27, 1970.)

Book Exchange Oversight Committee. On January 27, 1971, Interim President Pete Kyle McCarter approved the recommendation of the University Senate to increase the membership of the University Book Exchange Oversight Committee by including two representatives from the Employees' Executive Council. (See page 5 of the University Senate Journal for January 25, 1971.)

MARCH 3, 1971, CAMPUS TEACH-IN CONCERNING WAR IN SOUTHEAST ASIA

In referring to the recently approved suspension of classes from 10 30 a.m. to 5 30 p.m. on Wednesday, March 3, 1971, for faculty-student deliberations of United States involvement in the war in Southeast Asia, Dr. Cluff E. Hopla requested faculty participation and assistance in consonance with the interests and the conscience of individual faculty members.

✓ UNIVERSITY TENURE REGULATIONS

At this meeting, Dr. Paul David, Chairman of the University Senate Committee on Faculty Personnel, distributed copies of a five-page Addendum to the 10-page Report of that Committee concerning Academic Freedom and Faculty Tenure that was distributed recently as a Supplement to the Agenda for the February 22, 1971, meeting of the University Senate. (For the complete text of the Addendum, see pages 12-17 of this Journal.) Dr. David also called attention to several typographical errors in the Supplement as listed on page 11 of this Journal.

(For background information on this tenure question, see pages 4-9 of the University Senate Journal for the regular session on May 25, 1970, as well as pages 6 and 7 of the University Senate Journal for October 26, 1970, and page 5 of the University Senate Journal for November 30, 1970.)

Dr. Cluff E. Hopla, Chairman of the University Senate, announced that a SPECIAL meeting of the University Senate has been called for Monday, March 15, 1971, at 3:30 p.m. to consider any final Senate action on the Committee proposal. Faculty reactions and recommendations should reach the Secretary of the University Senate by March 4, 1971, for inclusion in the Agenda for the special meeting.

✦ UNIVERSITY REGISTRATION PROGRAM ✓

Dr. John Lancaster, Chairman of the University Senate Ad Hoc Committee To Study the University Registration Program, announced the following membership of his Committee:

Dr. Lowell Dunham (Modern Languages)
 Dr. Arrell Gibson (History)
 Dr. Jay Heizer (Management)
 Dr. Larry Toothaker (Psychology)
 Dr. John Lancaster (Microbiology) -
 Chairman

The Ad Hoc Committee will meet with the Assistant Provost for Academic Records and University Registrar on February 24, 1971. In his letter of February 22, 1971, to Mr. Ekstrom, Dr. Lancaster raised the following nine questions that will serve as the basis for that Committee's deliberations:

- "1) What plans do Admissions and Records have for increasing the efficiency of advanced enrollment?
- "2) Will it be possible for students to get immediate feedback on sectioning after advanced enrollment?
- "3) Can potential entering students be advised sooner of their acceptance to the University?
- "4) Has Admissions and Records devised a procedure for providing accurate class rolls?
- "5) Has Admissions and Records devised a procedure for providing accurate grade report forms to the faculty?

- "6) Has Admissions and Records provided a procedure for accurate reporting of students' grades to the students and their colleges?
- "7) Has Admissions and Records devised a plan for better communication of student enrollment changes to the Colleges?
- "8) Does Admissions and Records have the resources, both in quality and quantity of personnel and in hardware, to run a completely computerized program? If not, what alternatives are being considered?
- "9) Can better coordination between Admissions and Records and Bursar's Office be established to insure more accurate billing to students for enrolled courses?"

Dr. Hopla then called on Dr. Carl Riggs, Acting Provost of the University, who had been invited by the Senate Executive Committee to appear at this meeting to make any appropriate comments. In Dr. Riggs' opinion, the problems of registration on this campus could be traced to the first University attempt at computerization twelve years ago. Since then, the woefully inadequate financing and the frequent turnover in computer staffs have worsened the situation. Any efforts to solve the problem will have to be financed by priority tapping of any increased funds made available to the University in the future.

REVISION OF ANTI-NEPOTISM RULE AT THE UNIVERSITY OF OKLAHOMA

Background Information:

On March 24, 1970, the Board of Regents reaffirmed the policy on equal opportunity in effect at the University of Oklahoma. (See pages 2 and 3 of the University Senate Journal for March 30, 1970.) On April 13, 1970, Dr. Gail Jacobson, Visiting Professor of Home Economics, wrote to the Chairman of the University Senate to "point out that this University blatantly does not provide equal opportunity for professional women married to faculty members."

At its April 27, 1970, meeting, the University Senate referred this matter to its Committee on Faculty Personnel. (See pages 7 and 8 of the University Senate Journal for April 27, 1970.) The final report of that Committee was published on pages 6 and 7 of the Agenda for the University Senate meeting on February 22, 1971.

Senate Action:

Dr. Paul David, Chairman of the University Senate Committee on Faculty Personnel, moved acceptance of the following Committee recommendation (with minor changes in text published in the Agenda) for amending the present University of Oklahoma regulations on Employment of relatives (Regents' action of November, 1949, and Budget Council's Clarification of 1953 as approved by the President)

"Except as prohibited by the laws of the State of Oklahoma, relationship by consanguinity or by affinity shall not, in itself, be a bar to appointment, employment or advancement by the University of Oklahoma nor (in the case of faculty members) to eligibility for tenure

So related

see (2003) 10/3/10

of persons so related. But no two persons in the same family, as defined below, shall be given positions in which either one is directly responsible for making recommendations regarding promotion, salary or tenure for the other; nor shall either of two persons in the same family who hold positions in the same budgetary unit be appointed (or, as in the case of members of Committee A of an academic unit, elected) to an executive or administrative position in that unit or to a position involving administrative responsibility over it, as long as the other person remains in the unit. Family, as here used, is defined as composed of spouses, children and their spouses, siblings and their spouses and parents' sibs and their spouses.'

In a voice vote without dissent, the Senate approved the recommended change.

X COMMITTEE ON UNIVERSITY PATENT POLICY ✓

Dr. A. J. Weinheimer, Chairman of the University Senate Committee on University Patent Policy, announced the following membership of his Committee:

Dr. W. R. Fulton (Education)
 Dr. R. A. Shapiro (Industrial Engineering)
 Dr. J. W. Sweeney (Computer Center)
 Mr. Harold Murry (Office of Research and Public Service)
 Dr. A. J. Weinheimer (Chemistry), Chairman

On February 3, 1971, Dr. Pete Kyle McCarter, Interim President of the University, informed the Chairman of the University Senate that Mr. David Swank of the Legal Office is nearing the completion of a proposed University patent policy.

(See pages 8 and 9 of the University Senate Journal for November 30, 1970, and page 5 of the University Senate Journal for January 25, 1971.)

X UNIVERSITY RETIREMENT AND FRINGE BENEFIT COMMITTEE

Background Information:

During their appearances last fall before the University Senate, Dr. Gene Nordby, Vice President of the University, and Mr. Dud Giezantanner, Director of the University Budget Office and Chairman of the University Retirement and Fringe Benefit Committee, recommended additional faculty representation on that Committee.

Senate Action:

Dr. John Lancaster moved approval of the following faculty nominations presented by the University Senate Executive Committee:

Dr. Robert Hansen, School of Dentistry, Medical Center
 Dr. Robert R. Wright, Dean, College of Law

The Senate approved the two faculty nominations without dissent.

† REAPPORTIONMENT OF THE UNIVERSITY SENATE

Background Information:

At its meeting on January 25, 1971, the University Senate tabled the motion to approve amending the Charter so as to allow the allocation of 20 per cent of the University Senate seats to the Medical Center in Oklahoma City. (See pages 2 and 3 of the University Senate Journal for January 25, 1971.)

Senate Action:

Dr. Leon Zelby, Chairman of the University Senate Committee on University Organization, Budget, and Publications, moved that the question be removed from the table and the following change in the Charter of the General Faculty and the University Senate be approved.

Page 1, The University Senate, (Composition), second paragraph:

from: "The allocation of Senate seats shall include one for each degree-recommending division of the University of Oklahoma. The remaining Senate seats shall be allocated to the degree-recommending divisions on the Norman campus according to a triennial apportionment proposed by the University Senate and approved by the General Faculty."

to: "In the Senate, 20 per cent of the seats shall be allotted to the Medical Center. The remaining 80 per cent of the seats shall be allocated to the Norman campus as follows: one seat to each degree-recommending division and the balance of the seats according to a triennial apportionment proposed by the University Senate and approved by the General Faculty."

In approving a motion made by Dr. Stanley E. Babb, Jr., the Senate granted permission to Dr. Arthur McAnally, Director of University Libraries, to address the University Senate, who had submitted a written request to the Chairman of the University Senate. Expressing dissatisfaction with the Charter stipulation (Composition of the University Senate - page 1 of the Charter) that general faculty members "who are not members of a degree-recommending division of the University shall be treated as a separate division," Dr. McAnally pleaded for the allocation of a Senate seat to the University Libraries. Lack of University Senate representation for that group could present a problem at the time of inspection by an accrediting organization. Dr. Zelby, however, felt that any such discussion at this time would be premature pending final allocation of seats on the Norman campus according to the proposed revision in the reapportionment formula.

In a tally of 27 affirmative votes and 1 negative vote, the Senate approved the above change in the Charter. In this connection, the attention of the General Faculty is called to the following provision in the Charter:

page 3, Amendment of this Charter - paragraph 2:

"A proposal to amend the charter may originate by action of the University Senate or by motion in a meeting of the General Faculty. In those cases in which the proposal originates through Senate action, the proposal must be submitted to the General Faculty; and consideration for the adoption of the proposal by the General Faculty shall not occur until the expiration of 30 days after the notification of the General Faculty through the Journal of the University Senate."

✓ PROPOSAL FOR THE ELECTION OF UNIVERSITY SENATE ALTERNATES ✓

Dr. Leon Zelby, Chairman of the University Senate Committee on University Organization, Budget, and Publications, moved that the proposal submitted by Professor Wilson B. Prickett for the election of University Senate alternates be disapproved. (See pages 15-16 of the Senate Journal for May 25, 1970.) In the opinion of that Committee, implementation of the proposal would present numerous problems for both the University Senate Chairman and the University Senate Secretary. Without any discussion of the question, the University Senate approved the Committee recommendation to reject the proposal.

✓ UNIVERSITY RETIREMENT PROGRAM: TIAA-CREF Participation

✕ Background Information:

At its meeting on January 25, 1971, the University Senate approved the following revision in the report of the ad hoc University Retirement and Fringe Benefit Committee (distributed to members of the University Senate on December 2, 1970):

Page 2, Section II, Eligibility for Participation: "Those faculty and staff making a salary in excess of \$7,800 and who are members of Oklahoma Teachers' Retirement System shall be eligible to participate." (See pages 4-5 of the Senate Journal for Jan. 25, 1971.)

Senate Action:

In accepting without dissent separate motions made by Dr. Leon Zelby, Chairman of the University Senate Committee on University Organization, Budget, and Publications, the University Senate approved the following two additional changes in the Report of the ad hoc Committee:

Pages 3 and 4, Section V (Rate of Premium Contribution):

Delete the following second sentence of the first paragraph: "If the amount of the basic salary covered under the Social Security program increases, the amount of withholding and institutional contribution for the TIAA-CREF program shall be limited to the amount of salary in excess of Social Security coverage."

Page 1, first paragraph, last sentence:

Delete: "It is further understood that any benefits resulting from the addition of this plan may become fully vested with the employee as explained later in this proposal."

Substitute: "It is further understood that any benefits resulting from the addition of this plan are fully vested with the employee except in the event of repurchase as clarified in Section X."

In a voice vote without opposition, the Senate also accepted the following Committee recommendation offered by Dr. Zelby:

"That the University Senate urge the Regents to consider funding the entire TIAA-CREF retirement plan from University funds instead of joint contributions from individuals and the University."

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SUGGESTIONS OF MEDICAL CENTER REPRESENTATIVES FOR RESCHEDULING SENATE MEETINGS

Dr. B. Connor Johnson, member of the University Senate Executive Committee, read the following excerpts from his memorandum of February 8, 1971, to the Committee concerning suggestions made by Medical Center representatives for rescheduling University Senate meetings:

"1) We would like to express our very great concern at our past attendance record this year and we will all individually try to do better and to inform Dr. Lis, Secretary of the Senate in advance whenever we know we will be absent.

"2) We are all concerned that we receive notices and agenda in ample time prior to the Senate meetings. This will enable us to meet and discuss matters relevant to the Medical Center prior to the Senate meeting when this appears necessary.

"3) We would like to request that any committee member must be informed in time, as to any meeting of their committee and its agenda and that our schedules and available times be given the same consideration as that of other Senate members on Senate committees.

"4) We strongly suggest and urge that, with approximately 20% of the membership of the Senate coming from the Oklahoma City Campus, approximately 20% of the meetings of the University Senate be held on the Oklahoma City Campus.

"5) We suggest, because of problems in scheduling for all members of the Senate, that the possibility of all Senate meetings being held in the evenings be considered."

In concluding the short discussion of this matter, Dr. Hopla, Chairman of the University Senate, commented that the Executive Committee would continue to study the various suggestions and would present appropriate recommendations to the Senate later.

+ UNIVERSITY SENATE RESOLUTION: Reform of Oklahoma taxation policies.

Drs. David Levy and Geoffrey Marshall distributed at this meeting copies of the following resolution that they had prepared:

"WHEREAS it is the obligation of those close to the daily operation of the University to express publicly their judgments regarding its condition and its prospects; and

"WHEREAS those of us representing the teaching faculty of this University believe that a genuine financial crisis of major proportions, a crisis which seriously jeopardizes the health of the institution and the quality of education expected from us by the state; and

"WHEREAS for us to remain silent in the face of this crisis would be an abdication of our responsibility to our colleagues, to the University, and to the people of the State of Oklahoma, and might be interpreted by the community at large as an indication that no crisis exists; therefore,

"BE IT RESOLVED that the University Senate of the University of Oklahoma urges the Representatives and the Senators of the State of Oklahoma to so reform and strengthen this state's taxation policies and programs that monies adequate to the performance of the basic functions of the University and to a steady improvement in the quality of education in this state be provided and insured.

"AND BE IT FURTHER RESOLVED that copies of this resolution be transmitted by the chairman of the University Senate to the Speaker of the House of Representatives and the President Pro Tempore of the Senate of the State of Oklahoma and to the Governor of the State of Oklahoma."

In his comments, Dr. Levy apologized for the short notice in this matter. The authors of this resolution felt that this issue would have been resolved by the Legislature by this time and, therefore, did not consider inserting the resolution text in the Agenda for this meeting. Furthermore, in their opinion, the recent, extensive coverage of this question in the news media has brought the subject to the attention of all. He countered the objection to this resolution on the grounds of institutional neutrality with the statement that the University should not take a position on an item that does not affect it directly. In this case, tax reform is of vital and direct concern to the University.

Dr. Marshall attempted to answer other objections to this resolution by his conviction that there was no commitment in the resolution to a particular program of tax reform now being considered by the Legislature.

Dr. Stanley Babb, Jr., moved that the University Senate reject this resolution on the grounds that it violates the neutrality of The University of Oklahoma. The Senate defeated the motion in a tally of 12 affirmative and 15 negative votes.

At this point, Dr. Leon Zelby urged that the Executive Committee of the University Senate consider his request that resolutions like this one and another presented last year concerning the Viet Nam War by Dr. Ben Heller not be presented to the University Senate in the future.

Dr. Levy moved adoption of the resolution.

Dr. Edmund Nuttall then moved that the resolution be amended by deleting the first three paragraphs. In a voice vote without dissent, the Senate approved the deletion of the first three paragraphs.

Dr. Babb then offered the motion that the word taxation in the text of the resolution be replaced by the word monetary. This motion was rejected by the Senate in a tally of 8 affirmative and 16 negative votes.

Dr. James Burwell moved that the University Senate resolution be channeled through the University Board of Regents. In a voice vote, the Senate defeated this motion.

In a roll call vote, the Senate approved the two-paragraph resolution as follows.

For the resolution:

Bowen
Crim
David
Hilbert
Johnson
Kendall
Lancaster
Levy
Livezey
Love
Marshall
Norton
Nuttall
Shepherd
Smouse
Taylor
Truex
Weinheimer
(total = 18)

Against the resolution:

Babb
Burwell
Costello
Daniels
Frueh
Gregory
Grunder
Hall
Harden
Parr
Zelby
(total = 11)

ELECTION OF SENATE REPLACEMENTS: College of Engineering

Dr. William R. Upthegrove, Dean of the College of Engineering, has reported the following election results to fill vacancies in the University Senate:

Dr. Ray D. Daniels to complete the unexpired term of
Ronald Mohler (July, 1973)

Professor James F. Costello to complete the unexpired
term of Paul Root (July, 1972)

ADJOURNMENT

The University Senate adjourned at 5:35 p.m. The Senate will meet twice during March. The special meeting to consider the revisions in the University tenure and academic freedom regulations will be held at 3:30 p.m. in Room 165, Student Union

Building, on Monday, March 15, 1971. Items for the Agenda for that meeting should be sent to the Secretary of the University Senate, Box 456, Central Mail Service, by Thursday, March 4, 1971. The Senate will hold its regular monthly meeting on Monday, March 30, 1971, at 3:30 p.m., in Room 165 of the Student Union. Items for the Agenda for that regular meeting should be sent to the Secretary of the University Senate, Box 456, Central Mail Service, by Wednesday, March 17, 1971.

Anthony S. Lis, Secretary
University Senate

Errata Sheet

to the

SUPPLEMENT

to the Agenda for the February 22, 1971,
meeting of the University Senate --

REPORT OF THE UNIVERSITY SENATE COMMITTEE ON FACULTY PERSONNEL
CONCERNING ACADEMIC FREEDOM AND FACULTY TENURE

- Page 1, par. I, E; line 6: change punctuation mark from: (and)
to: [and]
- Page 2, par. II, A, 3; line 5: delete the phrase: ". . . or the
distribution . . ." (repetition)
- Page 3, par. II, a, 4, c; line 1: delete the phrase: ". . . as a
member of the faculty." (repetition)
- Page 4, par. II, C, 2, e; line 9: change: "After it has been
polled . . ."
to read: "after it has polled. . ."
- Page 9, par. II, E, 5, b; line 2: change: ". . .that they be closed."
to read: ". . .that it be closed."

REPORT OF THE UNIVERSITY SENATE COMMITTEE ON FACULTY PERSONNEL
CONCERNING ACADEMIC FREEDOM AND FACULTY TENURE

A d d e n d u m

February 22, 1971

The Committee on Faculty Personnel recommends the following additions to and modifications of its initial report on Academic Freedom and Faculty Tenure as found in the Supplement to the Agenda for the meeting of the University Senate on February 22, 1971.

I. ACADEMIC FREEDOM (page 1)

[Change designations of "D" and "E" to E and F, respectively, and insert:]

D. As a citizen, the University teacher should be free to engage in political activities consistent with his obligations as a teacher and a scholar. Some activities, such as seeking election to an office for which extensive campaigning is not required, or serving in a part-time political office, may be consistent with effective service as a member of the faculty. More extended or intensive activity may require that the faculty member request a leave of absence. A leave of absence incident to political activity should come under the normal rules and practices respecting leaves of absence; and it should not affect the tenure status of a faculty member, except that time spent on such leave need not count as probationary service.

[Add, as a final statement under ACADEMIC FREEDOM (following the new F:)]

G. The University of Oklahoma also endorses the following (1970) declaration of the AAUP Council:

"Membership in the academic community imposes on students, faculty members, administrators, and trustees an obligation to respect the dignity of others, to acknowledge their right to express differing opinions, and to foster and defend intellectual honesty, freedom of inquiry and instruction, and free expression on and off the campus. The expression of dissent and the attempt to produce change, therefore, may not be carried out in ways which injure individuals or damage institutional facilities or disrupt the classes of one's teachers or colleagues. Speakers on campus must not only be protected from violence, but [must be] given an opportunity to be heard. Those who seek to call attention to grievances must not do so in ways that significantly impede the functions of the institution."

II. E, 4, c (page 8)

[Insert at beginning of the sentence.]

At least twenty days before the hearing

II. E, 4, f (page 9)

[After paragraph f, add]

g. If the faculty member waives a hearing, but denies the charges made against him or asserts that the charges do not support a finding of adequate cause, the [Faculty Appeals Board] will evaluate all available evidence and rest its recommendation upon the evidence in the record.

II. F, 2 (page 10)

[Following this, add new section:]

III. EFFECTIVE DATE

The policies and regulations hereinbefore provided shall go into effect [immediately upon their adoption by the Regents of the University of Oklahoma] [add], except that the provisions of Section II C, relating to probationary periods and notifications, and of Section II D, subsection 5, insofar as this subsection permits a second year's extension of the probationary period, shall not be applicable to any member of the faculty whose acceptance of a contract of appointment was made prior to the effective date stated above.

* * * * *

The Committee additionally recommends that the Senate consider the following alternative to Section II E, subsection 1 and 2 (pages 7-8).

[The substantive differences between the procedures proposed in the initial report and the alternative offered here are that in the former, (a) the nine-membered Faculty Appeals Board, elected by the Senate, is the body which actually conducts the hearing; (b) only (limited) automatic disqualifications are provided for; and (c) somewhat variable, ad hoc, methods of replacement for members disqualified or otherwise unable to serve are prescribed. In the alternative offered below, (a) the Faculty Appeals Board is enlarged (to twenty members) but it now serves as a panel from which members of the actual hearing body (here called the Hearing Committee) are selected by lot; (b) disqualification for cause is provided for, as well as by peremptory challenge from either party; and (c) replacements of disqualified or otherwise vacated members of the hearing body are selected by lot from the standing panel (Faculty Appeals Board) in the same manner as were the original members.]

E. Abrogation of tenure or dismissal before expiration of a term appointment

1. The principles followed and the procedures prescribed are based on the guidelines provided by the American Association of University Professors in the 1940 Statement of principles and the 1958 Statement on procedural standards in faculty dismissal proceedings.

a. If the President decides to recommend to the Board of Regents the dismissal of a tenure-holding faculty member or dismissal of a non-tenured faculty member before the expiration of a term appointment, he shall give the faculty member written notification of his intention and of the reasons for it.

b. If the faculty member protests the decision, the President or his designated representative shall confer with him in an attempt to adjust the disagreement. At his discretion, he may call upon members of the faculty to assist in this attempt, exclusive of any (unless there are compelling reasons to the contrary) who are members of the Faculty Appeals Board.

c. If a mutually satisfactory adjustment cannot be reached, the President or his representative shall, in further conference with the faculty member, attempt to define the points at issue as precisely as possible, in terms acceptable to both parties, and the case shall go before a Faculty Hearing Committee selected from the Faculty Appeals Board, as described below.

2. The Faculty Appeals Board shall consist of twenty members, five of whom shall be elected each year for four-year terms¹ by the University Senate from

¹Except that in the initial year of the Board's establishment twenty members shall be elected, of whom five each shall be chosen by lot to serve one-, two-, three-, and four-year terms

among all full-time tenured faculty of the University whose duties are primarily non-administrative. The Board shall elect its own chairman annually from among those whose terms are nearest expiration.

a. All members of the Board are eligible for reelection. Terms of service shall begin July 1 and end June 30 except that, if a hearing is in progress at this time, any retiring member of the Board who is on the Hearing Committee shall be continued on the Committee until the case in process is closed.

b. If a member of the Board ceases to be a full-time member of the faculty, or if his duties become primarily administrative, the Senate shall elect a replacement to complete his term; but if the change in the Board member's status occurs while he is serving on a Hearing Committee, the remainder of the Board shall decide by majority vote whether he shall continue to serve on the Hearing Committee until the conclusion of the case, or shall be replaced by another member of the Board chosen by the procedure prescribed in the next paragraph for the original selection of the Committee.

c. The Chairman of the Faculty Appeals Board, upon notification of impending proceedings by the President, shall select seven members of the Board to constitute the Hearing Committee for these proceedings. These shall be selected from the entire membership of the Board, unless another hearing is

in progress, in which case the selection may be made from the members not involved in that hearing. The selection of the Hearing Committee shall be by lot, and it shall be made in the presence of the Chairman of the Senate or his designated representative and of a representative of the University Administration; the faculty member who will be the respondent in the hearing shall also be invited to be present or to send a representative.

d. If a member of the Faculty Appeals Board selected to serve on a Hearing Committee is related by consanguinity or affinity to the respondent, or to an administrative officer who is a complainant in the case, or if he is a member of the same academic unit as the respondent, he shall be disqualified from serving on the Committee.

e. The President of the University and the faculty member who is respondent in the case may each, by written request to the Chairman of the Faculty Appeals Board, ask that a member or members of the Hearing Committee be disqualified on grounds of bias or personal interest in the case.

f. A member of the Hearing Committee may disqualify himself on his own initiative or in response to such challenge for cause as is provided for in the immediately preceding paragraph. If, however, a challenge for cause is disputed, the whole Faculty Appeals Board (including the members selected for the Hearing Committee, except for those challenged) shall decide by majority vote whether cause has been shown.

g. The President and the respondent faculty member, additionally, shall each have a maximum of two peremptory challenges of members selected for the Hearing Committee.

h. Members of a Hearing Committee who have been disqualified, and any members who, as by reason of illness or absence from the campus, are unable to serve, shall be replaced immediately by the Chairman of the Faculty Appeals Board, and the replacement shall be determined by lot in the manner (paragraph c, above) prescribed for the original selections.

i. The Hearing Committee shall elect its own Chairman; it shall set the date of its initial hearing, which shall be no earlier than twenty days after the delivery to the respondent of the materials the President is required to provide under subsection E 4, paragraph a, below.

[Subsections 3(unchanged) and 4 follow for continuity, and because in subsection 4 relettering of the paragraphs is required by the omission of paragraphs 4a and b as they appear in the initial report--their content is now found elsewhere. The only substantive changes in subsection 4 are in paragraph (new) a in which "at least twenty days before the hearing" has been inserted; in a, subparagraph iv, to which "and of the Hearing Committee" has been added; and in the addition of paragraph e]

3. [unchanged] Academic due process provides that a summary suspension or dismissal of a tenure-holding faculty member is justified only when serious violation of law or immoral conduct is admitted or is proved before a competent court. Suspension of a faculty member or assignment to other duties in lieu of suspension is justified only if immediate harm to himself or others is threatened by his continuance in his duties; but the faculty member may, at his own request, be relieved of part or all of his duties if this is necessary to provide time for the preparation of his defense.

4. All charges shall be handled according to the following plan, which is designed to insure academic due process.

a. At least twenty days before the hearing, the Administration shall present to the faculty member, a written statement embodying:

- i. Relevant legislation of the University Senate, the Administration and the Board of Regents.
- ii. The charges in the case in full particularity.
- iii. A summary of the evidence upon which the charges are based, and a first list of witnesses to be called.
- iv. A list of the members of the Faculty Appeals Board and of the Hearing Committee selected for his case.

b. The faculty member may select from among his colleagues a person to act as his adviser, or he may select counsel to advise him on legal matters. He may, at his discretion, be assisted by both an adviser and a legal counselor.

- i. The faculty member shall inform the administration in writing of the identity of his adviser and/or counsel.
- ii. In what follows it is understood that when reference is made to the faculty member he is, in accordance with his own judgment, acting with his adviser or counsel.

c. The faculty member shall review the statement tendered him by the administration and present a written reply.

- i. The reply shall include any modifications he may wish to suggest regarding either the charges or the procedures.
- ii. The reply shall also indicate the evidence by which he expects to refute the charges and shall include a first list of witnesses he desires to call.

d. At this point the administration and faculty member shall, as completely as possible, arrive at agreement on

procedures and the formulation of charges. Communications shall be in writing, with copies retained. Oral discussion shall be followed by an exchange of memoranda indicating the understanding which each party has of the conversation.

e. If the faculty member waives a hearing, but denies the charges made against him or asserts that the charges do not support a finding of adequate cause, the Hearing Committee will evaluate all available evidence and rest its recommendation upon the evidence in the record.

Senate Committee on Faculty Personnel

David W. Levy	Spencer H. Norton
Thomas N. Lynn	Gene D. Shepherd
Emma J. Potter	Paul R. David, Chairman

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