

JOURNAL OF THE FACULTY SENATE (Norman campus)
 The University of Oklahoma
 Regular session - March 17, 1986, 3:30 p.m.
 Conoco Auditorium, Neustadt Wing, Bizzell Library

The Faculty Senate was called to order by Professor David Levy, Chair.

PRESENT: Baker, Brown, Carr, Christian, Cohen, Cozad, Curtis, Dietrich, Economou, Eisenhart, Eliason, Friend, Holmes, Hopkins, Huseman, Knapp, Knehans, Kuriger, Levy, Lis, Livesey, Magrath, Marek, Mennig, Morgan, Murphy, O'Rear, Palmer, Parker, Peacock, Poland, Reynolds, Taylor, Tepker, Tobias, Uno, Whitely, Wiggins

Provost's office representative: Ray

PSA representative: McCarley

GSA representative: Mork

Liaison, AAUP: Turkington

Liaison, ABP: Butler

ABSENT: Beesley, Caldwell, Canter, Emanuel, Frech, Harper, Hill, Horrell, Kaid, Karriker, Kudrna, Larson, Mills, Welpott

PSA representatives: Burgeson, Hammond

UOSA representatives: Conwell, Hickey, Poynor

Liaison, Women's Caucus: Davis

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APPROVAL OF MINUTES

The minutes of the regular session of February 10, 1986, were approved. The minutes of the special February 24 meeting will be considered at the April 14 meeting.

ANNOUNCEMENTS

The Spring General Faculty meeting will be held Thursday, April 17, 1986, at 3:30 p.m. in Adams Hall 150.

The faculty members who will serve on the advisement task force established by the student government are Marilyn Affleck (Sociology), John Catlin (Classics), and Joakim Laguros (Civil Engineering).

ACTIONS TAKEN BY PRESIDENT FRANK HORTON

The revised final examination policy passed at the December meeting (see 12/85 Journal, page 3 and Appendix I) was approved.

In response to the Senate's action at the December meeting (see 12/85 Journal, page 5), President Horton sent the following letter dated February 11:

"I am in receipt of your December 11 memo regarding divestiture from companies doing business in South Africa. I have carefully considered this matter and feel that bringing the issue to the Board at this time would not change the previous outcome of the Board's deliberations on this matter.

I recognize the importance of this issue to your Senate colleagues. At the same time, I believe it incumbent on me to review possible outcomes and the entire range of potential ramifications of each.

My own feeling is that it would be wise for the Senate to consider this matter approximately one year from now in the light of future events that may have a bearing on the Senate position, my position and the Board's position.

I appreciate the counsel of the Senate on this important matter and look forward to their continued consideration of matters important to the University."

RESOLUTION ON 1985 TAX REFORM ACT, RETIREMENT PLANS

The Senate agreed to consider the following matter of new business out of its normal order to accommodate Professor Taylor, whose presence was required at another meeting.

Professor Taylor explained that currently a federal tax reform act, which had passed the U.S. House of Representatives, was before the Senate. Certain provisions of this act could have a negative impact on college and university retirement plans. The intent of the act was to tax non-profit insurance companies, such as Blue Cross/Blue Shield, and insurance provisions, such as TIAA-CREF. The effect has been to single out the higher education pension system (TIAA-CREF). He pointed out that, on the one hand, since the TIAA-CREF's general performance has been only at the Dow-Jones average, there might be some interest in looking into alternative retirement plans at some future time; on the other hand, for the present, the issue is fragmentation of the higher education pension. TIAA-CREF has been in tax exempt status for over 65 years. Consequently, it has made various kinds of guarantees built on the portfolio structure, and upsetting the investment pattern might move the portfolio into a more risky kind of mix. With reference to part 5, the ability to tax average TDA withdrawals would be lost under the new plan. Professor Taylor moved that the Senate approve the following resolution:

Whereas, the removal of tax exempt status from TIAA-CREF will impose severe penalties on University faculty and others covered under its provisions because (1) substantial reductions of future retirement benefits as high as 12 percent or more per year will be imposed and (2) TIAA-CREF's general performance only at the Dow-Jones Average will make any additional tax even more burdensome.

Whereas, restructuring to escape the new taxes would impose a severe hardship on TIAA and CREF because its tax exempt status for over 65 years as a fund designed to protect those in education has made it the largest retirement system in the U.S. and would reduce its flexibility in portfolio management.

Whereas, restructuring of TIAA-CREF could lead to serious pension system fragmentation which could in turn seriously limit faculty mobility.

Whereas, for those who set aside extra retirement savings in elective tax deferred annuities, the maximum allowable set aside would fall from \$30,000 to \$7,000 per year. Furthermore, the maximum contribution of \$2,000 to an IRA would be reduced one dollar for each dollar contributed to a tax deferred annuity whereby the maximum combined contribution to a tax deferred annuity and an IRA would be \$2,000.

Whereas, severe limitations and tax penalties would be imposed on cash withdrawals of tax deferred annuities such that an additional tax of 15 percent would be imposed on withdrawals prior to age 59-1/2. The punitive tax would be imposed on any cash withdrawal prior to age 59-1/2 except for death or disability,

Be It Therefore Resolved That the Faculty Senate on the Norman Campus of the University of Oklahoma opposes the debilitating features of the Tax Reform Act of 1985 to the extent that its provisions impair the ability of faculty and staff to plan and execute reasonable retirement objectives.

After some discussion on whether the "debilitating features" of the act needed to be spelled out, Professor Taylor commented that the Finance Committee should be familiar with all of the provisions. On the question whether all of the features were unacceptable, he said that for some reason TIAA-CREF didn't oppose the proposed tax on insurance, although any tax would significantly decrease the dividends. With the understanding that the resolution would be sent to the members of the U.S. Senate Finance Committee, the resolution carried, with one dissenting vote. If the Finance Committee recommends adoption of the retirement provisions, then the resolution will be sent to the Oklahoma Congressional delegation.

SENATE EXECUTIVE COMMITTEE REPORT

The Executive Committee met with President Horton February 28 to discuss the eight recommendations for meeting the budget crisis which were passed at the special February 24 Senate meeting. The Executive Committee restated the conditions under which they believed a financial emergency should be declared--if cuts to the academic side were worse than 10% or if faculty members had to be fired--and told the President they appreciated his reasons for resisting such a declaration, and that they had worded the resolution in such a way as to carry the hope that it would never have to come to pass. It seemed that the President was sympathetic, or in agreement, with the remaining proposals, although the President suggested that 8.c. should be undertaken by the new Provost.

On March 3 the Executive Committee met with Provost Morris and Associate Provost Ray. Topics included the budget situation, maternity leave, policy on promotion to full professor (because it was called to the attention of the Executive Committee that in some departments it is possible only to have the approval of Committee A for a recommendation for promotion to full professor), the policy regarding access to personnel files, the role of auxiliary services, and the eight budget recommendations.

President Horton called a meeting with David Levy, Gwen Wilburn (EEC Chair) and Blaine Wesner (UOSA President, who was not able to attend) to urge them to avoid actions and statements that might create tension between the University's constituencies during the current budget crisis. All agreed that this was timely advice and that each would make every effort to comply.

The Executive Committee will interview each candidate for the Provost position and then present the Search Committee with a written evaluation. Professor Levy invited interested faculty to attend the lecture-interviews scheduled for these applicants.

Professor Levy read a letter sent by the University of Colorado Faculty Senate supporting the Senate's action revising the final exam policy.

The Senate is receiving "Legislative Update" reports, which describe legislation of interest to higher education. These are available in the Senate office.

The Executive Committee will meet with the OSU Faculty Council Executive Committee on April 10 in Stillwater. Some members of the Executive Committee will attend the Oklahoma Conference of Faculty Organizations (OCFO) at the University of Science and Arts of Oklahoma in Chickasha April 11.

The Faculty Senate, like all other units, was asked to identify a 15% reduction in its budget for 1986-87. Details on where the cuts were made will be furnished to any interested member.

SENATE COMMITTEE ON COMMITTEES REPORT

Professor Donald Secrest (Political Science) was elected to complete the 1984-86 term of Donald Maletz (Political Science) on the Bass Memorial Scholarship Committee.

Professor Hopkins, Chair of the Committee on Committees, announced that the Committee's nominations for end-of-the-year vacancies will be provided to the Senators in April and voted on at the May 5 meeting. She reminded the group that nominations also could be made from the floor, provided that some information about the nominee is presented at the meeting and the permission of the nominee is obtained.

PROGRESS REPORT ON RECRUITING NATIONAL MERIT SCHOLARS

Professor Stephen Sutherland, Assistant Dean of University College, reported on the university's efforts to recruit national merit scholars. He spoke on the procedure for selecting national merit scholars and the three kinds of scholarships -- national, corporate, and college sponsored. There are about 1800 national scholarships and 1500 corporate scholarships awarded each year. The college sponsored scholarships are determined by the number of students who designate OU as the university they will attend and on the resources available at the institution. He explained that many of the institutions claiming large numbers of merit scholars have a high percentage of college-sponsored scholarships.

Several colleges at OU are making efforts to raise money through private donations to support college-sponsored merit scholarships. In 1984 OU had 11 merit scholars (3 of whom were college-sponsored), in 1985 22 (13 college-sponsored), and for next year a potential of 26 college-sponsored -- double the number for the previous year. OU had two national and three college-sponsored students in NASPONS (National Achievement Scholarship Program for Outstanding Negro Students) this fall. For next year OU will have 5-6 NASPONS scholars. Dean Sutherland encouraged suggestions and support for the program. Answering questions from the floor, Professor Sutherland noted that 19 of the 22 merit scholars were in his scholars program, and the average ACT was 30. The 1985 merit scholars are doing magnificently -- a 3.5 or better. Professor Cohen urged the university to encourage the chairs of departments to send personal letters to the finalists. Responding to Professor Carr's suggestion that it might be beneficial to contact the students who receive a commendation, since they represent the top 5%, Dean Sutherland explained that there is not a published list of commended students.

PROGRESS REPORT ON PROVOST'S EVALUATION FORM

Professor George Economou, Chair of the Senate's ad hoc committee to study the end-of-year faculty evaluation summary form submitted to the Provost's office, distributed the following progress report at the meeting:

The committee wishes to inform the members of the Faculty Senate that it has met twice to consider its charge, that it has solicited and received documents concerning the history of the evaluation form from the Provost's office, and that it has prepared a first draft of a new, revised form. After it has studied these documents, along with those available in the Senate office, the committee will prepare a final draft of the form and submit it, along with a discussion, to the Faculty Senate at the May meeting.

He asked the faculty to pass on any suggestions to the committee.

ACADEMIC APPEALS BOARDS POLICY

In response to the Provost's request that the Academic Appeals Board policy be revised to establish time limits on appeals and clarify some procedures, the Senate Executive Committee and Provost office developed a revised policy. Professor Tepker explained the three basic provisions of the new policy: it establishes times certain and time limits, in order that appeals can be raised as soon as possible; it provides uniformity by establishing one set of procedures for all colleges; and it establishes clearer mechanisms for appeal of an academic appeals board judgement. He noted that this policy would apply only to the Norman campus, and that the College of Law would be excluded from the policy because there is a specific set of procedures already in place for law students, and the reasons that the Provost had for adopting this really didn't apply to the College of Law. Professor Uno asked if the student could appeal only a final grade. Professor Tepker answered that it was his understanding that the student could appeal any grade received during a course. After some discussion about certain escape clauses ["...unless the student has been prevented from complying..." in (1) and "...unless exceptional circumstances exist..." in (2)], Professor Mennig moved to insert "in the view of the Board" after "unless" in line -4 of (1) and line 7 of (2). The amendment carried.

Professor Tepker explained that the policy does not specify if the student should notify the instructor of a dispute orally or in writing; the burden of proof is on the professor. Professor Palmer pointed out that the wording of (6), "Meetings of a board may be closed to the public," is not very precise. Associate Provost Ray commented that this sentence had always been stated this way, that he believed the sessions usually were closed, but that if all parties agreed, the sessions could be opened to the public. The revised proposal, as amended, carried (see Appendix I). The policy will be considered next by the Student Code Revision committee.

DISTRIBUTION OF REVISED FINAL EXAMINATION POLICY

Professor Cohen suggested that the Senate Executive Committee notify all faculty and graduate assistants about the revised final examination policy passed at the December meeting and approved by the President. Professor Levy agreed to distribute the policy, as well as the clarifying resolution. There was no objection. (Note: The Provost's office circulated this policy to all teaching personnel.)

RESOLUTION ON TRAVEL POLICY

Professor Friend moved that the following resolution be approved by the Senate:

The Faculty Senate opposes the law which went into effect January 1, 1986, which requires all travel for State business to be arranged through single, regionally-designated travel agencies. The Senate urges Oklahoma's state legislators to repeal this law during the current legislative session, thereby allowing State employees to arrange business trips through travel agents of their choice.

She explained that while an attempt was being made in the legislature to amend this law, the law should be repealed altogether, in that it inappropriately prohibits other travel agencies from doing business with the state of Oklahoma. In addition, faculty members report that phone lines are so busy that it is difficult to get through to the designated agency or they are placed on "hold" for long periods. Some faculty have questioned whether they have received the lowest air fare available. Finally, the personalized service one builds up with a favored agency is more difficult to arrange. Professor Friend suggested that the resolution be forwarded to the Cleveland County legislators. Professor Friend agreed to Professor Cozad's recommendation to include a statement of the reasons for taking this action. Professor Baker commented that his usual agency was the designated agency, that he has been pleased with their service, and that this action might be premature. Further, in view of the development at Rose State College, it might be unwise to try to remove a state institution from oversight. Professor Morgan suggested that the volume of business might be too great for this agency to handle. Professor Friend pointed out that this resolution was not intended to disparage designated travel agencies. Professor Cohen noted that under this system, it is no longer possible to take advantage of discounts offered by national meetings, and the above resolution calls for repeal for all state agencies, not just for higher education. The motion carried with one abstention.

RESOLUTION ON STUDY OF AUXILIARY SERVICES

Reminding the group that 8.a. of the budget recommendations passed at the special February 24 meeting called for a study to be made of auxiliary services, Professor Hopkins moved that the following resolution be approved:

WHEREAS:

1. The Faculty Senate at its February 24, 1986 meeting voted to recommend that, "The University undertake at once...a study to explore whether revenues from auxiliary services and University properties can, in some instances, be used for the educational programs of the University," and

2. In the three weeks since that recommendation was made, no study has been initiated and the financial situation of the state (and therefore the University) has shown no improvement,

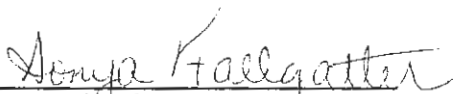
THEREFORE, BE IT RESOLVED THAT:

The Faculty Senate requests the Budget Council to determine the most efficient and effective method for undertaking such a study, formulate a proposed method for such a study of auxiliary services and report back to the Faculty Senate the results of their deliberations.

Professor Hopkins explained that this resolution merely asks the Budget Council to look into formulating a method for such a study—that they need not conduct the study. She said there are about a hundred auxiliaries on campus, including the dormitories, book exchange, food services, and Lloyd Noble Center. Professor Levy commented that there undoubtedly would be some auxiliaries that could not contribute to the educational purposes of the university, but that it was not clear whether all of these services would be unable to make such a contribution. The resolution carried.

ADJOURNMENT

The Faculty Senate adjourned at 4:50 p.m. The next regular session of the Senate will be held at 3:30 p.m. on Monday, April 14, 1986, in the Conoco Auditorium, Neustadt Wing, Bizzell Library.


Sonya Fallgatter
Administrative Coordinator


Sherril Christian
Secretary

March 17, 1986

Proposed Revisions In
Academic Appeals Boards Policy

(Beginning with paragraph (1), rewrite the remainder of the policy as follows. Deleted wording is shown by strike overs and new wording is underlined.)

Except for those cases which arise in the College of Law, the following procedures shall apply. (For the procedures in the College of Law, contact the Office of the Dean.)

- (1) A board will hear a case only after an attempt has been made by the student and the instructor to resolve their differences, if necessary in consultation with the department chair. A student has notified an instructor of a dispute over an academic evaluation and after the student has made an unsuccessful attempt to resolve differences with the instructor, if necessary in consultation with the department chair. A student must notify an instructor of a dispute over an academic evaluation and must attempt to resolve differences no later than February 15 in cases of end-of-term evaluations for the previous fall semester or winter intersession, and no later than September 15 in cases of end-of-term evaluations for the previous spring semester, spring intersession, or summer session. A student must notify an instructor of a dispute over an academic evaluation and must attempt to resolve differences no later than 15 calendar days (excluding Saturdays, Sundays, and University holidays from classes) after the results of evaluation are made known to the student during the term. If a student fails to notify an instructor or fails to attempt resolution within the appropriate time limit, the board shall deny any request for a hearing on the claim unless, in the view of the board, the student has been prevented from complying with the appropriate time limit (as, for example, in the case of a student being called into military service).
- (2) The filing of a written request for a hearing on a claim before the appropriate academic appeals board shall be within 10 calendar days (excluding Saturdays, Sundays, and University holidays from classes) following the day when the attempts at resolution in paragraph (1) above are completed. The board shall deny any request for a hearing on a claim which does not meet this deadline unless, in the view of the board, exceptional circumstances exist whereby the student is prevented from filing the claim. Furthermore, if in the judgment of the board the case is deemed to be without merit or has already been satisfactorily resolved in the department, the board may refuse the student a further hearing.

- (3) ~~(2)~~ To avoid a jurisdictional impasse, the appeal shall be heard by the appeals board in the undergraduate college in which both the course and the instructor are located. Any thesis and dissertation appeals shall be heard by the Graduate College appeals board.
- (4) ~~(3)~~ It shall be the primary function of a board to ~~mediate or~~ adjudicate disputes which have not been satisfactorily resolved on the department level.
- (5) ~~(4)~~ Each board shall be given the responsibility of establishing its own rules of procedure. Such rules as it establishes must be consistent with the full protection of the rights of all parties involved.
- (6) ~~(5)~~ Meetings of a board may be closed to the public.
- (7) ~~(6)~~ ~~---If a board fails to achieve a settlement mutually satisfactory to the parties involved, it will recommend a means of settling the dispute to the executive committee (or comparable body) of the college, where final disposition of the case will be made. The decision shall ultimately rest with the faculty of the degree-granting college concerned.~~ Decisions of the board shall be communicated in writing to the board's dean, the student's dean, the student, and the instructor. The board's decisions shall be final and shall be implemented unless either the student or the instructor makes written appeal to the Executive Committee (or comparable body) of the degree-recommending college within 10 calendar days (excluding Saturdays, Sundays, or University holidays from classes) after being notified of the board's decision. The decision of the Executive Committee (or comparable body) shall be final and shall be implemented unless either the student or the instructor makes written appeal to the faculty of the degree-recommending college within 10 calendar days (excluding Saturdays, Sundays, or University holidays from classes) after being notified of the Committee's decision. In the case of an appeal to the faculty of the degree-recommending college, the faculty's decision shall be final and shall be implemented. The faculty of a degree-recommending college, however, may delegate their authority to consider appeals under this policy to the Executive Committee (or equivalent body) of the degree-recommending college, in which case the decisions of the Executive Committee shall be final and shall be implemented without appeal to the faculty.