

FACULTY SENATE MEETING
TUESDAY, May 11, 1999
303 Cashion, Hankamer
MINUTES

Present: Abbott-Kirk, Adams, Baird, Beck, Beckner, Bowery, Buddo, Chinn, C. Davis, E. Davis, Farris, Genrich, Gilchrest, Hillman, Jensen, K. Johnson, P. Johnson, Johnston, Longfellow, Losey, McGee, Stone, Supplee, Weaver, Wilson, Yelderman, Young

Absent: Carini, Conyers, Counts, Tipton

Excused:

Also Present: Marilyn Crone (Vice President, Human Resources), Ashley Thornton (IRT), Jana Marek (IRT), J. Cox (New Senator/HSB), B. Hair (New Senator/Library), J. Williams (New Senator/HSB)

I. Invocation

The meeting began at 3:35. D. Farris gave the invocation.

II. Consideration of Agenda

The agenda was approved as distributed.

III. Consideration of draft of April 20, 1999 Minutes

A motion for approval of the previously-distributed minutes was made by Wilson, seconded by Longfellow, and was approved.

IV. Discussion of the Faculty Evaluation of Administrators Procedure (Marilyn Crone)

M. Crone, Vice-President for Human Resources, addressed the Senate concerning the recent faculty evaluation of administrators. She introduced Ashley Thornton from IRT and Jana Marek from ITC, who helped in the design and implementation of the survey. Crone briefly reviewed the survey process. Initially, the survey was expected to be available for completion during the week of Spring Break plus two additional weeks. The response rate was sufficiently low following that period that the time was extended another 2 weeks. The survey was available in both electronic form (on the Web, with BearID protection) and on paper.

Crone reported that the overall response rate was about 20% (N=135), with fewer than 100 respondents evaluating the President and Provost, and significantly fewer than that evaluating other administrators. In fact, 2 Deans had zero evaluations completed. By comparison, the response rate for the 1997 survey was 43%. Crone reported that the original intent was to distribute the evaluations to the persons being evaluated and their superiors at two higher administrative levels. However, with the response rate so low this was changed, so that only those administrators who had 10 or more responses would have their evaluations reviewed by their superiors.

Crone then solicited feedback regarding the survey, particularly factors which may have contributed to the low response rate. Senators offered a number of comments:

- Faculty in Arts and Sciences received a letter from the Provost about the Dean's re-appointment during the time they were told of the faculty evaluation of administrators. This may have caused some confusion. In addition, the Provost's letter required that any faculty advising non-reappointment offer written and signed feedback, possibly undermining the procedures which were in place to assure confidentiality on the administrative evaluations.
- Some faculty expressed a sense of resignation: that like past surveys, little would come of their comments and opinions, so they did not express them
- The instrument, especially the web-based form, was very long and time consuming. There was no simple mechanism for skipping certain questions.
- The survey itself was somewhat ambiguous and closed-ended, and narrative evaluation was difficult to accomplish
- The level of trust between faculty and administrators is low, so many faculty simply did not anticipate that their responses would be kept confidential or used for the stated purposes. Recent tenure and hiring decisions have disregarded faculty input for unstated reasons, and such actions do not indicate good faith. The unilateral decision not to distribute evaluations to superiors when the number of respondents was fewer than ten was offered as an example. Faculty had been told these would be shared with superiors, and now that trust was violated.

Following this discussion, Crone acknowledged the point that faculty had been told evaluations would be shared with superiors, and agreed that they should and now would. She thanked the Senate for their input, and said she would take the comments under advisement.

V. Consideration of Committee Appointments

The Executive Committee nominated Sandra Genrich to serve as the SON representative on the Committee on Committees. This nomination was approved by acclamation.

Several appointments remain to be made. Baird moved that the Executive Committee be authorized to approve these appointments. This was seconded by Stone, and was approved.

VI. Discussion of Drafts of letters on Tenure with Contingency, Implementation of Scholarly Expectations, and Intimidation of Faculty

Pursuant to the discussions during the called meeting of the Senate on May 3, 1999, three documents were prepared by members of the Executive Committee. The first of these dealt with the administration's decision to offer "tenure with contingency" (Appendix A), the second on the Statement of Scholarly Expectations (Appendix B), and the third in response to various questionable comments made by administrators to faculty (Appendix C).

McGee reported that since the Executive Committee's meeting, he and Baird have met again with the Provost. During these conversations, the faculty's concern over these practices was reiterated, and the Provost was made known that the Senate would likely take action. After lengthy discussions and minor changes, the letters regarding Tenure with Contingency and the Statement of Scholarly Expectations were approved unanimously.

The remainder of the discussion revolved around the letter concerning reports of intimidation of faculty by administrators. After extensive discussion, Bowery moved to table the motion, which was seconded by Hillman. The motion passed by a vote of 16 to 7.

VII. Discussion of July, 1998 Addition to BU-PP Website Regarding Contractual Rights

McGee reported on his investigation regarding the "disclaimer" regarding contractual rights which is posted on the web site listing of the BU-PP. McGee contacted General Counsel, and C. Beckenhauer stated that this disclaimer applies to staff only, and not faculty. Concerns were raised that the disclaimer was not clear, and also that when any changes were made to the BU-PP manual, the Faculty Senate should be notified. McGee will pursue this issue further.

The actual wording of the disclaimer reads as follows:

The policies and procedures set forth in the Baylor University Personnel Policy (BU-PP) Manual provide guidelines for employees and the University during employment, but do not create contractual rights regarding termination or otherwise. The manual is made available to managers and employees in both print and electronic media for the convenience of the employee. The information provided may be changed by the University from time to time. If a question arises as to the most current official policy and procedure contact, the Personnel Services Office for clarification.

VIII. Committee/Liaison Reports

A. Faculty Committee on Academic Freedom, Responsibility, and Environment (Bob Baird). No Report.

B. Faculty Committee on Enrollment Management (Elizabeth Davis).
E. Davis reported that 2775 deposits have been received, and that anticipated freshmen enrollment is now expected to be 2800-2850, due to the lower-than-normal level of transfer students.

C. Faculty Committee on Physical Facilities (Joe Yelderman). No Report

D. Faculty Committee on Student Life and Services (Gary Carini). No Report.

E. Athletic Council (Mark Dunn).

While the fate of the NCAA's eligibility and admissions regulations are being resolved in court, the university will continue to operate under its previous guidelines. Also, the class-action settlement between the NCAA and assistant coaches will likely cost the university between \$40-55,000.

F. Staff Council Liaison (Nancy Chinn). No Report.

H. Senate Newsletter and Web Page (Buddy Gilchrest). No Report.

IX. Miscellaneous

A. Chair reports on:

1. Request to Provost regarding status of Faculty Dismissal Policy, Policy on Financial Exigency and reduction of Academic Programs, and Reduction of Academic Programs not mandated by Financial Exigency
No response yet from General Counsel.
2. Administrative Decision Regarding Systematic Move to IBM Compatible PCs
While the university's official policy regarding computer platforms has not changed, all requests for exceptions to allow departments and faculty purchase of Macintosh computers have been granted.
3. Issue of Moving the Function of Environmental Studies Chair into the Dean's Office.
The current Chair of the Department of Environmental Studies has not been re-appointed, and a new appointment has not been authorized. During the interim, it has been suggested that the functions of the chair be moved to the Dean's Office. The Senate noted that such a decision would be in gross violation of accepted practices.

B. Presentation of Service Awards to Retiring Senators

The Chair thanked the following retiring senators for their contributions: Weldon Beckner, Nancy Chinn, Chip Conyers, Elizabeth Davis, Kathy Hillman, and James Tipton.

X. Other Items or Announcements

Chair-Elect Baird thanked McGee for his leadership as Chair of the Faculty Senate during 1998-99.

With no further business, the meeting was adjourned at 5:40.

Respectfully submitted,

Chuck Weaver

APPENDIX A

Tenure Policy APPROVED BY FACULTY SENATE, May 11, 1999

Dr. Donald Schmeltkopf, Provost and Vice President for Academic Affairs
Baylor University
Waco, TX 76798

Members of the Faculty Senate have been informed that in at least three tenure review cases individuals were told they have received conditional Tenure. It is our understanding that these faculty members were also notified that final tenure decisions would be delayed by one year, subject to review of those conditions. In previous correspondence, we expressed our deepest concern about this alteration of our tenure policy. We reiterate that concern.

The introduction of conditional tenure involves a major change in the Tenure Policy and Procedures document developed by the Senate in consultation with the administration and agreed to by all parties in November 1997. The present policy states explicitly that the sixth year in the tenure process is to be designated the Tenure Review Year. Detailed responsibilities are outlined for the tenure-track faculty member, tenured members of the department, the departmental chairperson, the dean, the University Tenure Committee, the Provost and Vice President of Academic Affairs, and the President. While the seventh year is still called a probationary year, the policy at Baylor has been that the only grounds for dismissal at that point would be the same grounds for dismissal that would apply to a tenured faculty member.

The recent action by the administration changes this procedure by introducing an additional Tenure Review Year. The details of this change are not clear because the precise roles of tenured members in the department, the departmental chairperson, the dean, the University Tenure Committee, the Provost and Vice President of Academic Affairs, and the President have not been specified.

The Senate calls upon the administration to adhere to the Tenure Policy and Procedures document developed by the Senate in consultation with the administration and agreed to by all parties in November 1997. This would involve the recognition that once the sixth year tenure review has been completed, the faculty member either receives a terminal contract or could be subsequently dismissed only after going through due process procedures applicable for tenured faculty members. The Senate also requests conversation with the administration concerning the elimination of the seventh year probationary appointment.

Dr. Robert Baird, Chair Elect of the Faculty Senate, and I request a meeting with you to discuss these matters at your earliest convenience.

Sincerely Yours,

Daniel B. McGee, Chair of Faculty Senate

APPENDIX B

Scholarly Expectations APPROVED BY FACULTY SENATE, May 11, 1999

Dr. Donald Schmeltekopf, Provost and Vice President for Academic Affairs
Baylor University
Waco, TX 76798

Dear Dr. Schmeltekopf:

On behalf of many Baylor University faculty members, the Faculty Senate expresses concern over the way the Scholarly Expectations Document is being interpreted. The document grew out of administrative initiative, but it was finalized in lengthy consultation with the Faculty Senate. The final version was officially approved by President Sloan and Vice President Schmeltekopf on February 16, 1998.

The Senate expresses four specific concerns.

First, when the Senate was in conversation with the administration about the final form of the expectations document, the situation of faculty who had been on tenure track for several years was frequently discussed. Repeatedly, the administration assured representatives of the Senate that these individuals would be treated fairly, that the administration recognized both that they had joined the faculty under different circumstances and that many of them had not been given released time to meet a publication requirement. In one meeting with the administration it was even suggested that the "grandfathering" of these individuals should be written into the document. The response was that that was not necessary because the administration could be trusted to be judicious with regard to these individuals and that such a qualification would soon be dated. Despite these assurances, faculty members who are now in their fourth, fifth, and sixth years are facing publish or perish requirements. This is not in keeping with the spirit of the conversations between the Senate and the administration.

Second, the last sentence of the Scholarly Expectations Document explicitly states that "university expectations regarding the types of scholarly activity will necessarily vary depending on available resources." The context of this statement was the acknowledgment by the administration that a publication requirement would have to be accompanied by significantly reduced teaching responsibilities. We have faculty who are now in their first, second, and third years of tenure track (in addition, of course, to those mentioned in the previous paragraph who are in the last three years of pre-tenure review) who have not been given adequate released time to meet the publication requirement. Faculty in research institutions that require publication for tenure usually have a

maximum teaching load of 3-3, and many, faculty in such institutions have 2-2 teaching responsibility or less. Baylor University faculty are now competing in the publication market with colleagues from other institutions who teach considerably less.

Third, the last sentence of the Scholarly Expectations Document explicitly states that "university expectations regarding the types of scholarly activity will necessarily vary depending on . . . the goals and objectives of the various schools and departments." Recent events suggest that departmental goals and objectives have not been sufficiently considered by the administration.

Fourth, the last sentence of the Scholarly Expectations Document explicitly states that "university expectations regarding the types of scholarly activity will necessarily vary depending on . . . the diversity of contributions made to the University by individual faculty members." This statement was an affirmation of Baylor's traditional recognition of different faculty gifts. Some have administrative gifts. Some have strong teaching gifts. Some are gifted researchers. Some have the ability to relate to students in uniquely caring ways. Some have the ability to combine administration and publishing. Others are able to combine teaching and publishing. It seems biblical to recognize that we are many members in one body, that we are different individuals serving different functions, that we have different gifts according to the grace that has been given us. The last sentence of the expectations document affirms this. Evidence now indicates that all faculty, at least in the college of arts and sciences, are under a rigid publication mandate.

The Senate calls upon the administration to adhere to the spirit and the letter of the Scholarly Expectations Document formulated in dialogue with the Senate and approved in February 1998. We also request that a procedure be put in place to examine the situation of every tenure-track faculty member and to reduce the teaching responsibilities of each such faculty members for whom publication is required for tenure.

Dr. Robert Baird, Chair Elect of the Faculty Senate, and I request a meeting with you to discuss these matters at your earliest convenience.

Sincerely Yours,

Daniel B. McGee, Chair of Faculty Senate

**Intimidation Document
Draft**

To accomplish the mission and goals of the university, administrators, faculty, and staff need to maintain informed conversation on policies and procedures. The faculty appreciated the opportunity to participate recently in the formulation of two significant policy statements: the "Statement on Scholarly Expectations" (approved February 1998) and the "Faculty Tenure and Procedures Policy" (BU-PP 704, approved November 1997). The open, public conversation involving all interested constituents of the academic community not only enriched the approved policies but also helped to create mutual

respect. Administrators and faculty had an opportunity to state their views publicly and each benefited from the give-and-take of informed conversation.

But the steps towards establishing an atmosphere of mutual trust and respect among all constituents are now in jeopardy. The Faculty Senate has learned of instances in which administrators have attempted to influence and even silence faculty members when those faculty have questioned an administrative decision to alter the spirit of recently approved policies, as was the case in the recent decision to grant "tenure with contingency" to at least three faculty members. This decision violates the spirit and intent of the "Faculty Tenure and Procedures Policy." Further, the faculty know of an instance in the College when an interim chair was appointed in a department without the advice and consent of the faculty, a violation of the "Chair Search Procedure Policy" (approved October 1997) that administrators and faculty worked hard to craft and implement. Individual faculty members have been harshly criticized for discussing such matters with colleagues and their elected representatives in the Senate.

Stories of repeated administrative admonitions that faculty not repeat the content of conversations with administrators have been shared among the faculty. Such incidents suggest a pattern of intimidation and create an atmosphere of secrecy, fear, and mistrust, the antithesis of what is needed to build a community of trust and mutual respect. After all, administrators who stifle complaint and criticism ultimately deprive themselves of the information they need to make informed decisions. Silence is not consent, and the absence of criticism does not constitute approval.

We on the Faculty Senate accept as a truism the biblical precept that a house divided will fall. Understanding that all of us at Baylor must work together with a spirit of trust, with the capacity to listen respectfully to dissenting views, and with the wisdom to make objective decisions regarding policy and its implementation, the Faculty Senate respectfully requests that the Administration work openly with faculty and staff to accomplish the significant mission and goals of the university. We all need to follow the advice you and Dr. Dianna Vitanza offer in "Enhancing the Academic Environment at Baylor University" (January 1997): "Perhaps one reason for the lack of intellectual vitality . . . is a belief that we are not really free to speak with integrity about controversial subjects, to disagree openly with one another about the academic issues that concern us. If we genuinely desire a more open and lively intellectual atmosphere, we must act—within the context of our mission—in ways that are compatible with our rhetoric of openness." We in the academic community need to model this openness and free exchange of ideas as an example to our students.