

July 6, 1994

University Senate Advisory Committee on Privilege and Tenure

Annual Report, 1993-94

The Senate Advisory Committee on Privilege and Tenure held seven formal meetings during the academic year and the early weeks of summer, 1994. Committee members were Dennis Clouthier, Lynne Hall, Marilyn Hamann, Clayton Paul, and James Hougland (chair). Of the eight cases and inquiries considered by the committee, two involved general inquiries related to issues of faculty privilege, two (one of which remains unresolved because of a lack of requested documentation from the complainant) involved personal allegations that faculty privilege had been violated, one involved an allegation that a dismissal from an administrative position involved a violation of academic freedom, two involved denial of tenure and promotion to the rank of Associate Professor, and one involved denial of promotion to the rank of Professor. Minutes of meetings and official correspondence have been filed in the office of the Special Assistant for Academic Affairs.

The committee attempted to use the University Senate Rules (1.4.5.2) and the Administrative Regulations (II-1.0-1, Page III-7) to guide its deliberations. When considering cases involving promotion or tenure, the committee referred very often to the specific language in the Administrative Regulations, which we read as identifying the committee's responsibility as including "administrative matters," "privilege," and "allegations of academic freedom."

The general inquiries involved (a) the issue of whether individual faculty members have the right to decide what students to add to sections they are teaching after the sections have closed and (b) whether a February 1994 memorandum from President Wethington to Chancellors and Vice Presidents concerning the use of University letterhead to express personal opinions was unnecessarily restrictive and an abuse of faculty privilege. The committee declined to suggest an overall policy with respect to the first inquiry, but it was agreed that complaints from individual instructors on this matter would fall within the charge to the committee. With respect to the second, the committee concluded that letterhead should be used only for official University business and that the expression of an opinion would constitute official University business only if one had been authorized to speak on behalf of the University. The committee also expressed its willingness to consider specific cases from individuals who believe that incorrect applications of the President's statement have led to inappropriate restrictions on their privilege as scholars.

The case involving faculty privilege on which the committee completed its work pointed to the necessity of maintaining open communications between administrators and faculty members who believe they have been aggrieved. The committee noted that some progress had been made in restoring communication and offered recommendations for continuing the process.

The committee found no evidence to support the one allegation that the removal of a faculty member from a quasi-administrative position had involved a

violation of academic freedom.

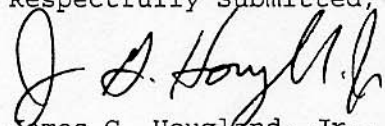
With respect to the promotion-based appeals, the committee found a procedural basis for recommending that each be reconsidered on specific bases but offered no recommendation as to the outcome of the reconsideration.

Recommendations

The committee as a whole has agreed to the first of the following three recommendations. The second and third were written by the Chair and do not necessarily reflect the views of other committee members.

1. In the committee's judgment, at least one case that came before it might have been averted if professionally trained mediators had been available to help faculty and administrators resolve their differences. We recommend that administrators consider utilizing available faculty or local resources to provide this service when needed.
2. It should be noted that currently existing descriptions of this committee's responsibilities are rather general and subject to varying interpretations. For example, the use of the term "procedural matters" in the Administrative Regulations provides little guidance as to what kinds of matters the committee should or should not consider. Leaving room for varying interpretations can allow needed flexibility but can also lead to inconsistencies from year to year or even from case to case. The advantages and disadvantages of adopting more specific guidelines for the committee should be considered.
3. The current statement in the University Senate Rules that the "function of the committee ... is to attempt to effect an adjustment ..." implies that the committee should respond to complaints by encouraging some type of change. If the committee does not "effect an adjustment," this is labelled a "failure." Moreover, the Senate Rules state that recommendations are to be made to the President although the immediate responsibility for some decisions may reside elsewhere. These portions of the University Senate Rules should be reviewed and changed if warranted.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "J. G. Hougland, Jr.", written in a cursive style.

James G. Hougland, Jr., Chair