MINUTES OF THE FACULTY SENATE

The sixth regular meeting of the Faculty Senate of The College of Charleston for the academic year 1994-1995 convened at 5:00 p.m. on Tuesday, February 7 in Room 118 of The Education Center, Speaker of the Faculty David Mann presiding. Thirty-nine senators attended. The Minutes of the previous meeting (January 17) were approved as circulated. (But please see below, under "Constituents' Concerns," for mistakes brought to the Secretary's attention at the end of the meeting by James Carew.)

New Business

David Mann proposed "that the Registrar be added as an ex officio member of the Faculty Curriculum Committee and the Continuing Education/Graduate Education/Special Programs Committee." This proposed change in the By-Laws, he said, would go to the Committee on the By-Laws and the Faculty/Administration Manual, for a recommendation at the next meeting.

Wayne Jordan then moved a series of recommendations from the Curriculum Committee. The first was an amendment to the Committee's original report, handed out by Mr. Jordan at the start of the meeting and reproduced here in extenso for the sake of clarity:

BIOLOGY

February 7, 1995

[Amendment to Report of Curriculum Committee to the Senate dated January 27]

Biology 399: Tutorial

Change the number of semester hours credit from 3 to 1-3, and the maximum hours credit from 12 to 3.

Add prerequisites: Biology 111, 111L, 112, 112L

Bulletin description as follows:

Biology 399, Tutorial (1-3, repeatable up to 3).
Individual instruction given by a tutor in regularly scheduled meetings (usually once a week).
Prerequisites: Biology 111, 111L, 112, 112L, junior standing, and permission of tutor and department chair. [p. 392]

This proposal passed, as amended. The remaining recommendations of the Committee, from the report of January 27, may be summarized as follows:
ENGLISH AND COMMUNICATION

New Courses:  English 354 Jewish American Literature (3hrs.)
              English 495 Field Internship (1-3)
              Communication 399 Tutorial (3) [amend prerequisites to read, "at least junior standing," etc.]
              Communication 499 Bachelor's Essay (6)
[Bulletin descriptions, pp. 245, 247, 256, 257]

LANGUAGES: CLASSICS AND GERMAN

Changes in Requirements for German Major:

Increase hours from 24 to 27 beyond intermediate level
Add GRMN 313 to course listings in Bulletin (previously approved but omitted because of error)
Add GRMN 463 to choices satisfying requirement of at least one other 400-level course
[Bulletin description, p. 323]

During a brief discussion, Carla Lowrey noted that the increase in hours required for the German major had also been approved by the faculty at a previous meeting, as German 313 had been, but this change had not made its way into the Bulletin either. These recommendations also passed, as amended, and the original documents are attached to the Secretary's copy of the Minutes.

Andy Abrams was then recognized, and reported briefly, as requested, on the College's efforts, still very preliminary, to gain a chapter of Phi Beta Kappa. In April of last year the President and the Provost had decided to look into the question, and an application had been sent off in October. The first part is purely quantitative. At about the end of April of this year, their Committee on Qualifications will select places to visit; if we were to be selected, they would come to investigate sometime in late 1995 or early 1996. They have told us that around fifty institutions make inquiries in each application "cycle." Of these, usually six to eight are chosen for visitation, and an even smaller number, sometimes as few as two or three, are finally approved. There is no longer, as there once was, any difficulty about an institution's reapplying if it gets turned down to start with. Joe Benich asked what the Phi Beta Kappa membership ratio was between public and private institutions, and between doctoral-degree-granting and largely undergraduate institutions. Mr. Abrams said that he had no information on this, but most types of institutions were eligible. Caroline Hunt mentioned that last year the chairs had been asked to supply the names of Phi Beta Kappa members in their departments. Mr. Abrams said that one of the requirements for applying was that 10% of an institution's faculty, or at least ten individual faculty, must be Phi Beta Kappa members; the College of Charleston has twenty-five. How would membership affect the already existing honors societies? This had not yet been addressed. William Moore pointed out that election to Phi Beta Kappa had been a traditional reward for able students in Arts and Sciences, and he wondered whether eligibility at the College would be limited to certain fields or "Schools." Mr. Abrams replied that membership is institutional, rather than by subject studied. Caroline Hunt said that she thought most institutions had their own, internal criteria for membership, and she wondered why the faculty had not been consulted before the application process had been undertaken. Essentially, Mr. Abrams replied, the President had simply been interested in finding out if we were eligible as an institution, and that is "where it is" at the moment.
William Moore, as chair of the Faculty Welfare Committee, then introduced two recommendations. The first, on the termination (from employment) of probationary faculty, had been initiated by the campus chapter of the AAUP and further developed by the Welfare Committee, who had given it their unanimous approval. Accordingly, Mr. Moore moved the following changes to the College of Charleston Faculty-Administration Manual (deletions are in [brackets], additions in bold):

1. Recommendation Concerning Termination of Probationary Faculty

From time to time it is important to the welfare of students or faculty in a department for a faculty member to be terminated from employment at the end of a first-year or second-year appointment. This is a legally correct action since state legislation (SC Code 8-17-380) provides that non-renewal of a one-year contract at the end of the contract period is not grievable and is not in violation of the terms of employment. [When the decision is reached not to extend a one-year appointment for an additional year, no reason for non-renewal need be given, but it is usually more professional and humane for the chair to discuss the reasons leading to the decision with the faculty member affected.] Nonetheless, terminations based on discriminatory intent, violations of academic freedom, or inadequate consideration are all grievable under other provisions of the SC Code, federal law, and/or this Manual. In the case of the termination of probationary appointments (nontenured, tenure-track faculty), the faculty member must be informed of the decision in writing and, upon request of the faculty member, must be provided with the reasons for termination in writing.

(Manual, p.72)

The College is under no obligation to reappoint any untenured faculty member at the expiration of the contractual year [, and the South Carolina State Personnel Department does not require that any cause for non-renewal be given by the Chair of the department or any member of the administration]. But termination decisions for probationary faculty must be made in writing and, upon request of the faculty member, the reasons for termination must be provided in writing.

(Manual, p.73)

Before beginning the discussion, Mr. Moore outlined the rationale which the Committee had circulated with their proposal:

Faculty hired into probationary positions, both tenure-track and instructor lines, ought to be furnished with a reasonable expectation that their contracts will not be terminated during the probationary period except for cause, where cause includes the considered judgment of the tenured departmental faculty, the Provost, the President, and possibly the Tenure and Promotion Committee, that a candidate's performance is substandard with respect to the criteria established for tenure or promotion.

If grounds for dismissal happen to be somewhat tenuous, the current language in the Manual may encourage a departmental chair, or even an entire department, to undertake an early dismissal of a probationary faculty member in order to avoid the potentially more difficult process of going through a third year evaluation.
Other sections of the Manual seem to contradict the current statements on pages 72 and 73. For example, p. 69:

If a faculty member on probationary or other nontenured appointment alleges that a decision against reappointment was based significantly on considerations violative of academic freedom or governing policies concerning illegal or institutional discrimination by the institution on the basis of race, sex, religion, national origin, age, physical handicap, marital status, or sexual or affectional preference, he or she may file a grievance with the Faculty Hearing Committee.

The probationary or nontenured appointee may always demand adequate assurance that his or her termination was not motivated by prohibited considerations. Such consideration cannot be had unless the terminated faculty member is provided with a full explanation of the reasons for non-renewal.

Regardless of what we say or omit in the Manual, or what the legislature says in the South Carolina Code, the First and Fourteenth Amendments of the U.S. Constitution take priority on issues of academic freedom and discrimination, respectively.

Phil Dustan wanted to know who makes the decision to "terminate from employment" in such cases. The answer was, that the procedures for this are in place elsewhere in the Manual. Joe Benich asked whether those with "terminated" contracts are automatically offered a second year to finish out their employment; if so, the recommendation would, he thought, be changing something found elsewhere in the procedures of the Manual. Pursuing a previous question, Caroline Hunt asked whether the Welfare Committee had actually looked at the issue of who "terminates." Mr. Moore said they had not, and that this was perhaps a significant omission; Paul Young agreed. Frank Kinard said the effect of these changes would be to require providing a written explanation of termination to everyone so affected, and that this would be putting the institution to a great deal of trouble. The College, he said, was in a bind right now; he was fearful of more lawsuits if this measure were endorsed. "Why shouldn't this institution," Robin Bowers asked, "be put to some trouble" over something this important? Richard Nunan, speaking to Mr. Kinard's question, said that not giving reasons for termination would likely lead to lawsuits; better for everyone concerned to have to give reasons. Mr. Kinard replied that the courts will make institutions follow "due process" no matter what "procedures" are in place.

Carla Lowrey cautioned that we may be opening a "can of worms" here. We all know, she said, that in an academic situation there are sometimes reasons to get rid of people -- good reasons -- that would not stand up in court. Richard Nunan replied that "the horse is already out of the barn," since language about grievance suits already appears in the Manual. Not to give reasons for dismissal would be to open up the probability of more legal action against the College, not less. Mr. Kinard objected again: the language being proposed, making "inadequate consideration" a legitimate grounds for grievance, was very broad. James Carew wanted to know if striking out this particular phrase would be a substantial loss. Mr. Nunan answered that these terms are defined elsewhere in the Manual as referring only to procedures, not to substance. Someone asked if the document had been examined by a lawyer; Mr. Moore replied that Andy Abrams had seen an earlier version of it.
Rebecca Herring asked how specific the "reasons" given for termination would have to be. Mr. Moore said that this was not a question specifically addressed by the Welfare Committee, but that probably a fairly general statement would do, or at least he believed that would be the case. In the event, the recommendation passed, on a voice vote.

Mr. Moore then introduced the second proposal from the Welfare Committee, the draft of an optional salary-review plan. This plan was not, he said, by any means "written in stone," and suggestions would be welcome. One reason for developing it is that public schools in South Carolina have a system in place for automatic pay-raises over a period of years, but we do not. A result is the "salary compression" we have learned about recently, which particularly afflicts long-term faculty members at the College. But this proposal -- which could be extended to librarians as well, with a few changes in terminology -- ought to help almost everyone, and not just senior faculty. The plan, he emphasized, would be strictly optional; participation would be entirely at the faculty member's discretion. His understanding, furthermore, was that the Administration definitely favored developing some sort of proposal along these lines.

During prolonged discussion, a clause was cut out of the second paragraph, and a correction and friendly amendment added to the third, changing the word "excellent" to "meritorious." After some unsuccessful attempts to raise the raises of the worthy, the question was called on the main motion by Mr. Benich, and the draft recommendation approved, as amended, on a voice vote:

DRAFT

Five Year Optional Pay Review for Faculty

An optional merit performance review process will be available for all faculty who have obtained their highest academic rank based on their degree status. This would include Full Professors who have achieved the College's highest academic rank as well as Associate and Assistant Professors who, because of degree status, are ineligible for promotion to a higher rank. This optional merit performance review could occur after the completion of a minimum of each five year period in rank. This optional pay review can be initiated only by the professor.

Individuals who wish to be evaluated will submit a letter to the Provost with a copy to their Chair by May 1st of their fifth year (or later) of service in rank asking for an optional merit pay review. The professor will prepare a packet consisting of evidence of continued Teaching Effectiveness, Research and Professional Development and Professional Service to the Community for the period of service to be evaluated as outlined in the College of Charleston Faculty Organization and By-Laws (see pages 78-81 of May 13, 1994 document). Confidential letters of evaluation will be solicited from departmental members [of the same rank or higher, deleted]. In addition, the Chair will solicit letters from at least three extra departmental colleagues whose names will be provided by the candidate. The entire packet will be submitted to the College of Charleston's collegewide Tenure and Promotion committee for evaluation by October 1st. The Tenure and Promotion Committee will review the packet and may conduct an oral interview with the candidate. The Committee will apply the following standards in its evaluation:
(1) Exemplary teaching effectiveness.
(2) Continuing quality scholarship. Peer refereeing is one criterion of scholarly quality, therefore the evidence must include scholarly books or journal articles (or otherwise juried publications, or professional evaluated performances or exhibits in the arts). In addition to scholarship, sustained professional activity is expected. All evidence should be rigorously evaluated.
(3) Active and sustained participation in a leadership capacity in service to the College and, where appropriate, to the community.

Specific standards for each rank are in the Faculty Manual.

The Tenure and Promotion Committee will recommend by December 1st either of the following performance ratings for each professor being evaluated - Meritorious [replacing Excellent] or Satisfactory. A rating of excellent would result in a $2,500 merit raise for Full Professors, a $2,000 merit raise for Associate Professors and a $1,500 merit raise for Assistant Professors. These raises will be independent of any other pay increase and would be implemented the next academic year. A rating of satisfactory would result in no merit increase. Professors who receive a rating of excellent may request a merit pay review at the end of each five year period. Professors who receive a satisfactory [evaluation, added] may reapply for a merit pay review after two additional years.

This proposal will be implemented beginning May 1995 with the first evaluations to be conducted October 1995. In order to reduce the administrative and financial impact on the Committee and Institution, it is proposed that those professors with 10 years or more in rank be eligible for evaluation in the first year. Those with five years or more in rank will be eligible for evaluation in the second year. From that time forward, individuals will be eligible for evaluations at the designated intervals.

**Rationale:**

The proposal is designed to encourage and reward senior faculty members who continue to perform at a level of excellence once they achieve the highest rank for which they are eligible. It would also contribute significantly to faculty morale and may dissuade some from seeking other faculty positions or pursuing administrative careers when they would really prefer to teach, engage in research, and provide service. It could also help to alleviate salary compression. While this proposal impacts most immediately on senior faculty members, it should be emphasized that faculty members in all ranks may benefit from this proposal over time.

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The original documents of both recommendations from the Welfare Committee are attached to the Secretary's copy of the Minutes.
Jack Parson brought up recent changes in the campus mail service, noting that the mail room was declining to deliver mail received from private shippers, such as UPS or Federal Express, to department offices, requiring instead (without consulting the faculty) that such private carriers deliver directly. This, he said, was a matter of serious concern. Occasionally, perhaps, there had been abuses, such as faculty or administrators trying to get truck tires, or video equipment, delivered through the College mail. On the other hand, some faculty had experienced very serious delays in receiving dated material vital to their research, in some cases losing out on grant applications or publication deadlines because letters or parcels sent by private carrier had been held up or returned by the mail room, instead of being delivered, as would normally be expected in a university setting, through the campus mail.

Mr. Parson also called attention to what he said the Advising Center had recently done, which was to reinstitute a formula for determining how many instructional faculty from each department must present themselves for advising duty at advising time. Apparently, this quota system is made necessary by students not taking per-registration, or whatever, seriously enough, which is caused, in turn, by "current student behavior." But we as a faculty should be changing student behavior, not giving in to it. This was surely a backward step. The Task Force on Advising, by the way, had seen nothing about this formula, and was probably expected to "rubber stamp" it. Mr. Parson concluded by asking that the President's Advisory Committee look into the whole question of advising. Too much, he said, is now being done at the administrative level by fiat rather than discussion.

David Mann said that he had just spent almost a whole day on these two particular problems. For the moment, the mail room will deliver UPS packages. Also, Maggie Pennington will bring this issue, and the question of advising, to the President's attention at the next meeting of the Advisory Committee. Beverly Diamond commented that the problem with the packages had been going on for some months now, with no notice at all having been sent to the faculty. The Speaker said that he thought there had been some kind of notification sent out on "WANDO" during the fall term -- but not everyone on the faculty uses that system. Frank Kinard said it would be much better for the faculty to be able to continue to use their professional address -- it would be a real handicap, in some case, not to be allowed to do so.

James Carew, who had not been able to be present earlier, when the Minutes of the previous meeting (January 17, 1995) had been approved, called attention to an error and two omissions. On the next-to-last line of page 1, "Academic Affairs Committee" -- there being no such animal -- should be corrected to "Academic Standards Committee." Farther back in the same paragraph, probably right after the third sentence, a comment of Mr. Carew's should be inserted in the discussion of a proposed attendance policy (later remanded to committee) for students officially representing the College:

Dean William Lindstrom said the statement should perhaps include something about no "direct" penalties for such activities. James Carew commented that there should not be any "direct" grade penalties assessed in any college-level courses. Enrique Graf thought that taking part in artistic "performances," [and so on].
The other omission came at the end of the first paragraph on page 3. These words, Mr. Carew said, ought to have been included:

*Provost Festa was asked whether the data supplied to Deans and Chairs was to be shared with the Faculty, and Festa indicated that, yes, they were to be shared with Faculty* [end of paragraph; text kindly supplied by Mr. Carew].

It was important to have this on the record, Mr. Carew said, because apparently some departments were not cooperating in making the data available.

Finally, Caroline Hunt asked what had happened to the questions about the status of the Honors Program that had been raised at an earlier meeting. David Mann said that this would be reported on next time. With no further business, the meeting adjourned at about 6:45 p.m.

Respectfully submitted,

Bishop Hunt,
Faculty Secretary