

Stephen F. Austin State University
Minutes of the Faculty Senate
Meeting No. 205
September 12, 1990

1. Chairperson Ken Mace called the meeting to order at 2:30 p.m. in Regents Suite B of the University Center.
2. Approval of Minutes
 - * Consideration of the minutes of Meeting No. 203 was postponed until later in the meeting so that a special report can be submitted.
 - * The minutes of Meeting No. 204 were approved without change.
3. Chairperson's Report
 - * President Bowen has agreed to speak to the faculty in a special Faculty Senate meeting on September 24. Possible topics for consideration suggested by Chairperson Mace include (1) Academic Priorities and (2) The Role of the Faculty Senate in Governance.
 - * A copy of the Southern Association report is on file in the Faculty Senate office.
 - * Summary of Board of Regents Meeting:
 - President Johnson reported that he had recommended to the Legislative Budget Board an increase of 10.5% for faculty and 5.5% for staff for each of the two years of the biennium.
 - The Board of Regents approved the Long-Range Plan for the next five years and approved the financing (\$175,000) for the Long-Range Computing Plan.
 - * Plans are to have additional memory for the DEC VAX academic computer in place during FY 1991, and to extend the campus network computer network to a number of academic buildings.
 - * Copies of correspondence between Chairperson Mace and the Academic Vice President concerning the interim grievance procedure were distributed to Faculty Senate members.

The issue has been referred to the Academic Affairs Committee. It is hoped that the committee will come up with new policies to provide protection to the grievant and to the representatives of the grievant.
 - * Results of resolutions passed by the Faculty Senate Meeting at the end of the spring 1990 semester:
 - Computer registration was approved
 - The resolution calling for a Traffic Advisory Committee was vetoed by President Johnson.

Chairperson Mace suggested that the parking resolution be re-submitted. Some method of controlling access to faculty parking

lots is needed. Consideration is being given to future development of additional parking areas.

- * Arrangements have been made with Library Director Al Cage for a permanent Faculty Senate meeting room in the new library addition. A permanent meeting room would enable us to install permanent microphones for more reliable recording of Senate meetings.
- * Appointment of Faculty Senate representatives to committees:
 - Frank Smith -- Ex officio representative to the Graduate Council and the Academic Council
 - Jasper Adams -- Computer Registration Committee
 - Ray Darville -- Task Force for Planning, Evaluation, and Assessment

4. Treasurer's Report

- * Treasurer Charlene Crocker reported a current balance of \$1,347. Some additional bills are still outstanding.

5. Secretary's Report

- * The current Faculty Senate Constitution has been distributed to members. The Standing Rules will be sent by Campus Mail after revisions approved at Meeting No. 204 have been added.
- * A form will be attached to the next Faculty Senate Report so that any faculty member who wants to receive copies of the full minutes can be placed on the distribution list.

6. Committee Assignments

- * Charges to the Faculty Senate committees were summarized and revised. [See Attachment I] A membership roster of committees will be sent to Senate members.

7. Old Business and Unforeseen Items

- * The following parking recommendation had been passed by the Faculty Senate at Meeting No. 199 (November 15, 1989) but was vetoed by President Johnson:

The Faculty Senate recommends the formation of a "Parking Advisory Committee" to study the ongoing parking problems on the SFA campus and act as an advisory board to the University Police Chief in matters concerning campus parking. The committee should consist of seven members, to include:

1. the University Police Parking Manager (also known as Traffic Sergeant)
2. three faculty members (appointed by the Faculty Senate with consideration given to critical campus areas)
3. one graduate teaching assistant (appointed by the Graduate Dean)

4. one campus resident student (appointed by the Student Government Association)
5. one commuter student (appointed by the Student Government Association)

Discussion:

- Enforcement of parking permits seems to be the major problem. Several options could be considered, including electronic gates with magnetic-imprint cards for access; additional use of wheel locks; and increasing the parking fines to a point where they would be effective.

Senator W. Arscott moved that we re-submit the resolution to President Bowen.

Seconded by Senator B. Johnson.

Motion passed.

- * Last spring the Senate raised the question of naming the immediate past-Chair as an ex officio member. The matter was delayed for consideration by the new Senate.

Senator B. Johnson moved that the immediate past-Chair be named as Ex Officio member of the Faculty Senate.

Seconded by Senator J. Seaton.

Discussion:

- The immediate past-Chair is familiar with what has occurred in the previous year, and could offer valuable input and advice.
- The proposal would require a constitutional change. Article 1, Section 7 of the Faculty Senate Constitution lists ex officio members. Ex officio members have all the privileges of membership except the right to vote and hold office.
- Senator W. Arscott noted that the Faculty Senate had previously adopted a procedure which requires that proposals be submitted in written form.

Senator K. Price moved that we table the proposed resolution until the next meeting so that all senators can see a written copy of the resolution.

Seconded by Senator M. Turnage.

Motion passed.

- * Discussion of proposed changes/revisions to the Constitution:
 - Article 1, section 12 -- The printed copy of the Constitution erroneously uses the term "vice chair" in Art. 1, sec. 12 (a) and (e). The Chair-Elect, a new office, takes the place of the Vice-Chair. We need to strike the term from both sections.
 - Articles IV and V are redundant because they cover essentially the same action. Article IV covers "amendment," while Article V covers "revision." It was suggested by the committee that revised the Standing Rules last spring that Article V be deleted.

- Chairperson Mace will prepare written resolutions to correct these problems for the next meeting of the Faculty Senate. The changes will be submitted as separate proposals.

8. Correction of Minutes from Meeting No. 203

* Statement from Dr. Elizabeth Deanne Malpass

- Dr. Malpass requested time to address the Faculty Senate concerning the statement of the Vice President for Academic Affairs, as reported in the full minutes of Faculty Senate Meeting No. 203 (May 9, 1990), that in the recent grievance proceeding, there was no finding of probable cause on sex discrimination.
- Dr. Malpass, Dr. Hebe Mace, and Dr. Douglas McMillan have served as a faculty team in the grievance process on behalf of Dr. Helene Bakewell. Dr. Bakewell asked them to make a correction for the Senate's information. A written statement and a copy of the two Advisory Committee findings were introduced on Dr. Bakewell's behalf. [See Attachments II and III]

* Major points of Dr. Malpass' statement included:

- After lengthy Advisory Committee hearings of evidence, with approximately 30 witnesses, there was a finding of probable cause on preponderance of the evidence that a prima facie case existed.
 - Dr. Bakewell received that finding from the committee on April 24, 1990.
 - Dr. Bakewell had questioned denial of tenure on grounds involving sex discrimination, retaliation, and abridgement of academic freedom. In response to an inquiry from the administration on April 30, the Advisory Committee sent a second report of its findings. Dr. Bakewell would like to have a report of the findings included in the Senate records for future reference.
- The hearing was an Advisory Committee meeting of the Grievance Panel. Since Dr. Bakewell is a non-tenured faculty member alleging constitutional issues, she first had to go through an advisory committee. It is the finding of the Advisory Committee that makes it possible for her, as a non-tenured faculty member, to proceed to the full Grievance Hearing.
- There is no way at this time to know who received the inaccurate statement and who did not. If the question does come up, Dr. Bakewell needs to have the corrected information available.
- The Senate is requested to take action to correct any misinformation since the inaccurate statement has been distributed to faculty.
- Names of the committee members, the defendants, and everyone involved (except Dr. Bakewell) were deleted because the hearings are confidential.
- Dr. Malpass certified that the material that was distributed is a direct copy of the two findings with only the names removed.

* Discussion and Response to Questions from Senators

- Dr. ~~KS~~ Howard requested that the Secretary review a tape of the minutes for Meeting No. 203 to determine the accuracy or

- inaccuracy of item #7 in recording Dr. Reese's statement, and to give a report at the next meeting.
- Chairperson Mace indicated that we need to make the report on the Advisory Committee findings a part of the Senate record.
 - In response to a question, Dr. Malpass noted that it is the grievant's right to request an open hearing. The grievant did not request an open meeting in this instance because this was a preliminary hearing. They have advised the administration that an open meeting may be requested for the full hearing that will be held later this year.
 - The meeting and procedures were under oath. Meticulous records was kept on tape. Those records are not available at this point because both sides have agreed to use them in the coming meeting and to keep them confidential for the time being.
 - The Senate Secretary was instructed to contact the Chairman of the Advisory Committee and request a written statement to verify whether the statement submitted to the Senate is "a fair and accurate depiction" of the findings.
 - Secretary M. Carns pointed out that the minutes of the meeting should be an accurate depiction of what was said at the meeting, and not necessarily an accurate statement of what the Advisory Committee reported.
 - Dr. Malpass asked the Senate to be cognizant of the fact that regardless of whether the minutes are or are not an accurate depiction of what was said at Meeting No. 203, the report was distributed in written form.

9. Discussion of University Insurance Program

- * Comments concerning the University insurance program were entered by Senator W. Arscott, followed by general discussion.
- * Highlights of Senator Arscott's remarks:
 - He returned to serve again on the Senate because it is a place to serve as a sounding board for "internal problems housed in house. If a representative of the President is not present, it ceases to be a sounding board.
 - He would like to be on record so that the administration can read about our grievances and objections.
 - Insurance is an example of why faculty have little loyalty to the administration. We were informed by Vice President Reese at the Faculty Senate meeting of May 9 that there would be a cost to the University of an additional \$400,000 for medication and hospitalization.
 - This summer, we were told that we are now self-insured with an exclusive contract with Memorial Hospital, a tax-based hospital, with payment of only \$450 per day plus the scheduled rate that Memorial Hospital sets. Any additional costs would come out of our own pockets.
 - When asked about employees served by doctors who do not practice at Memorial, we were told at the insurance meeting to "educate your doctor." We were also told that only one-third of SFA employees have doctors at who practice at Medical Center.

- Actual facts for Blue Cross/Shield for 1989 are:
 - 116 SFA employees were admitted to Memorial Hospital, accounting for 29.6% of the cost
 - 100 SFA employees were admitted to Medical Center. This was approximately one-half of the patients from the two Nacogdoches facilities, but accounted for only 14.9% of the cost
 - 84 SFA employees were admitted to hospitals out of town, accounting for 55% of the cost
 - The cost was \$1,689 higher per entry at Memorial Hospital than at Medical Center
 - The average stay was 5.6 days at Memorial, compared to an average of 3.3 days at Medical Center
 - Out of approximately 80 doctors who practice in Nacogdoches:
 - 25 practice at Medical Center; only 13 have "courtesy privileges" at Memorial (which simply means that Memorial will accept one patient per doctor per month for those with courtesy privileges)
 - If doctors practice at both hospitals, they have to handle committees, be on call, etc., at each. This is often more than they can handle, so they usually practice at only one hospital.
 - 2 out of the 3 pediatricians practice at Medical Center; only 1 practices at Memorial
 - 4 out of the 6 OB-GYN physicians practice at Medical Center; only 2 practice at Memorial
- We were not asked if we wanted to change, and Dr. Arscott cannot get any answers from anyone who served on the Insurance Committee.
 - It looks like the University saved \$432,000 by telling us to change doctors or "pay the price."
 - A little less than 50% of SFA employees use doctors who practice at Medical Center. They should know that Nacogdoches Medical Center has announced that it will accept the terms as specified in the SFA Health Plan. So, the University won the gamble it took, but we were treated as pawns. What would have happened if the gamble failed? The gamble they took was loyalty.
- * Senator J. Howard questioned what happened to the money saved by the University. We had earlier been told that we could not receive as large a raise because insurance coverage would cost the University an additional \$400,000. Several of his constituents have asked for an explanation of what happened to the raises.
- * Chairperson Mace suggested that we could invite Dr. Lynn Soloman to address the Senate and thoroughly explain the insurance program. His understanding is that the committee used the recommendation of the consultants they hired in coming up with this plan.
- * Senator B. Johnson said that he would like to extend Senator Arscott's comments. He was on the Senate ten years ago and agreed to serve again in order to deal with important matters. He has

been disappointed with what the Senate has done in recent years. No one pays any attention to what faculty says, and he wants to see that change. Artificial turf is one example of lack of faculty influence.

- * Senator W. Arscott noted that the University President says he believes in democratic input, yet the committee to select a new Dean for the School of Fine arts has all appointed members. He would like to see at least 50% elected members on search committees for the selection of Chairs, Deans, President, and Vice Presidents.
 - * Chairperson Mace recommended that we ascertain how insurance decisions were made and how much input was considered from the committee, from consulting groups, or from other factors involved in the decision. The Professional Welfare Committee could look into the process.
 - * Secretary M. Carns pointed out that a questionnaire was distributed last summer concerning selection of mail-order versus local pharmacies for prescription drugs.
- Chairperson Mace noted that many faculty were not on campus during the summer, and had no opportunity to respond to the questionnaire.
- * Senator W. Holliday suggested that the Professional Welfare Committee needs to have continuing input to let the Insurance Committee know what we want and don't want instead of waiting to react after decisions are made.
 - * The question will be taken up at the next Executive Committee meeting.

10. The meeting was adjourned at 3:40 p.m.

ABSENCES:

T. Callaway (excused)
 B. Carr
 J. Corbin
 J. Frye
 E. Ledger (excused)
 C. Ruthstrom

VISITORS

J. Lackey
 E.D. Malpass
 D.F. McMillan
 H. Mace

Mary L. Carns

Mary L. Carns, Secretary 1990-91

ATTACHMENT I

Charge to Faculty Senate Committees by the Faculty Senate Chairman and Faculty Senate Executive Committee

Academic Affairs Committee

- A. To conduct a Grievance Procedure revision in cooperation with the Academic Vice President and University Legal Council. The committee should include the following in its considerations:
1. Tenure, Promotion, Ethics Violation, Salary Adjustment, Sex discrimination, Dismissal of Non-tenured Faculty, Dismissal of Tenured Faculty, etc.
 2. Grievant's right to choose council without veto by any administrator.
 3. Streamlining grievance process.
 4. Method of recording grievance hearing (possibly by court reporter) to prevent chance of tampering by any party and to protect the university from litigation.
 - a. Free access to the record by the grievant at any time.
 - b. Agreement, in writing, by both the university and grievant for any transfer of record to a third party.

Finance and Administration Committee

- A. In order to establish a statistical base the committee is instructed to study funding for travel, materials and supplies in various schools and departments of the university for the past ten years coupled with a comparison of this academic funding with that of the intercollegiate sports program.
- B. Comparison of administration salaries with those of faculty for the past ten years.
- C. Study of the proliferation of administrative offices.
- D. Study of the procedures, funding and academic awards by the University Foundation.
- E. Investigate the possibility of changing the selection of members of University Committees that report to the President to an election procedure instead of being appointed by President.
- F. Investigate which funds generated by various units of the university, are returned to the units that generated them. If funds are returned to some units but not to others, determine the basis for the return (Board of Regents directive, President's office, V.P. for Fiscal Affairs).

Elections Committee

- A. Senate Elections to be held in coming year.
 - 1. Vacancies to be filled
 - 2. Spring Election
- B. Faculty Development Leave Committee Election

Faculty Governance Committee

- A. Investigate ways that the Faculty Senate can become more involved in areas of decision making and in setting priorities of the university by the university administration.
 - 1. Recommend at what stage the Faculty Senate should be involved.
 - 2. Recommend what role the Faculty Senate should play in decision making.
 - 3. Contact CoFGO about the role other Faculty Senates play in university decision making, particularly the budget process, and if so, how they set up their arrangements.
- B. Look into expanding the role of the Faculty Senate in academic policy making. Investigate the scope of other university faculty senates outside the state of Texas.
- C. Make any necessary recommendations for any additional changes to standing rules and/or constitution.

Professional Welfare Committee

- A. Investigate merit pay procedures and make recommendations for improving fairness of merit awards.
- B. Investigate possibility of publishing who received merit promotion in the pasty ten years and reasons for individuals being awarded merit increases or promotion.
- C. Investigate fairness in promotion procedures and recommendations for improvement.
- D. Establish a calendar of university events, perhaps through the President's office, so that conflicts can be avoided or minimized.

Professional Ethics Committee

No specific charge given to the committee.

ATTACHMENT II

TO: Dr. Kenneth D. Mace
Chair, Faculty Senate

FROM: Dr. Deanne Malpass
Dr. Hebe R. Mace
Dr. Douglas McMillan

DATE: September 12, 1990

It has come to our attention that the full minutes of the Faculty Senate, distributed to the faculty subsequent to the Senate's May 9 meeting, contained an inaccuracy. The minutes reported, citing the Vice President for Academic Affairs, that an Advisory Committee of the Faculty Grievance Panel did not find probable cause for sex discrimination in the hearing of Dr. Helene Bakewell.

Dr. Bakewell has requested that her faculty defense team communicate to the Senate the specific findings of the Grievance Advisory Committee in order to clarify any past or future misunderstanding.

Hired as a member of the Department of Psychology in 1986, Dr. Bakewell was denied tenure in the spring of 1989. She requested a grievance hearing, maintaining that she was wrongfully denied tenure after questioning a denial of extended sick leave with pay. Dr. Bakewell alleged that the wrongful denial of tenure involved sex discrimination, retaliation, and abridgment of academic freedom. As a non-tenured faculty member, Dr. Bakewell's allegation of these constitutional issues entitled her to an Advisory Committee hearing before a panel of five members of the Grievance Committee. Only if the Advisory Committee found probable cause could Dr. Bakewell secure a full grievance hearing.

After several weeks of hearings and the testimony of over 30 witnesses, the Advisory Committee reported its findings, signed by all five members of the committee, to the Administration on April 24, 1990. On April 30, 1990, in response to the Administration's inquiry about the separate allegations, the Advisory Committee sent a second statement of its findings. The text of both findings of the Advisory Committee are attached, at Dr. Bakewell's request, for your information.

As you can see, the two Advisory Committee reports did find probable cause by a preponderance of the evidence in favor of Dr. Bakewell. Their findings therefore entitle Dr. Bakewell to a full grievance hearing. We expect that hearing to be held during this academic year.

cc: Dr. Donald E. Bowen
Dr. James V. Reese
Dr. Robert Provan

ATTACHMENT III

(NOTE: The Chairman of the Advisory Committee has certified that this attachment "is a faithful representation of the Advisory Committee's report.")

RE: DECISION OF THE ADVISORY COMMITTEE

The Advisory Committee finds probable cause that there was an abridgement of constitutional guarantees or academic freedom. Further actions should follow the procedures outlined in Stephen F. Austin State University Faculty Handbook Number 12 (1988).

April 24, 1990

RE: DECISION OF THE ADVISORY COMMITTEE

The Advisory Committee has found probable cause that there was an abridgement of constitutional guarantees or academic freedom in the case of Dr. Helene Bakewell. The preponderance of the evidence, in the opinion of the Advisory Committee, supported a prima facie case of violation of constitutional guarantees or academic freedom. The Advisory Committee believes that its objective was to examine the evidence presented to determine whether or not actions (as outlined in the Stephen F. Austin State University Faculty Handbook Number 12 [1988]) in the case of Dr. Helene Bakewell should continue. It is the opinion of the Advisory Committee that actions should continue.

April 30, 1990