

Stephen F. Austin State University

P.O. Box 13046, SFA Station (409) 468-4402
Nacogdoches, Texas 75962-3046



Faculty Senate
Gary Ford, Secretary
College of Liberal Arts
1994 - 1995

TO: Members of the Faculty Senate
FROM: Gary G. Ford, Secretary
DATE SUBMITTED: September 20, 1994
SUBJECT: Minutes for Meeting No. 241
Wednesday, September 14, 1994

MINUTES

I. Call to order

Meeting #241 of the Faculty Senate was called to order by Chairperson C. P. Barton at 2:30 PM, in the Mildred Wyatt Room of Steen Library.

II. Approval of Minutes

Motion

A motion to approve the minutes for Meeting #239 (May 11, 1994, 2:30 PM) was made by Senator Hearell, seconded by Senator DiNucci, and was approved unanimously.

Motion

A motion to approve the minutes for Meeting #240 (May 11, 1994, 4:00 PM) was made by Senator Mace, seconded by Senator McKaig, and was approved unanimously.

III. Election to Fill Vacant Senate Seat

Chairperson Barton declared the senate seat that had been occupied by Larry Watts, College of Business, vacant as a result of Dr. Watts' appointment as Associate Dean of the College of Business.

Nominations were requested by the Chairperson for candidates from the College of Business to serve the one year that remains of Senator Watts' three-year term.

Senator DuFrene nominated Dr. Reynolds Griffith, Economics and Finance, stating that Dr. Griffith had graciously agreed to complete the remainder of Dr. Watts' term, with Senate approval. The nomination was seconded by Senator Turner.

Motion

Senator DuFrene moved that Dr. Griffith be elected by acclamation of the Senate. It was approved unanimously.

Senator Reynolds Griffith of the College of Business assumed a Senate seat to complete the year remaining in an unexpired term.

IV. Remarks by Ms. Yvette Clark, University Counsel

Ms. Clark had been invited to brief the Senate on the implications of the Americans with Disabilities Act (ADA) for university faculty and to address the extent to which personnel records (including evaluations for tenure, promotion, and merit decisions) are legally regarded as open records.

A. Academic Accommodations For Students With Disabilities

Ms. Clark began by recommending that all faculty attend the ADA In-Service Training sessions being provided by the ADA Steering Committee if they have not done so previously. Ms. Clark distributed copies of the schedule of training sessions and the Special Accommodation Request form used by the Office of Disability Services (ODS). Ms. Clark also reported that SFA is currently involved in a lawsuit in which the complaint focuses primarily on issues of architecture and access, rather than the issue of course accommodations.

Accommodation requests are made through ODS. The professor and student should work out necessary arrangements or deal with any questions arising from the request. Faculty members should treat information concerning the identity of a disabled student and the nature of a student's disability confidentially. Ms. Clark pointed out that students may not be requesting the same accommodations in each class. Signing the Special Accommodation Request does not signify the faculty member's agreement to provide all accommodations requested. It indicates only that the faculty member received and read the form. However, if the student's requests will not be accepted, the faculty member should meet with the student to discuss the matter and contact the Director of ODS to provide the reasons for refusal. Ms. Clark emphasized the importance of documenting such matters because of the enormous liability potential present. Ms. Clark reported that SFA is well known for its excellent program of accommodations for students with disabilities, which attracts many disabled students to attend SFA.

Senator Mace expressed concern that not being able to consult with colleagues and share information concerning specific students and situations would reduce our ability to benefit from others' experience in providing accommodations. Ms. Clark responded that the law requires confidentiality. Faculty members may discuss issues and concerns that arise, but not particular students. Confidentiality is particularly crucial when dealing with "hidden" disabilities (e.g., learning disabilities).

Senator Mace inquired about potential liability of the university and individual faculty in dealing with accommodation requests and whether the university has liability insurance covering faculty members named in a suit. Ms. Clark indicated that only the university is liable in such cases unless the faculty member acted in outrageously bad faith. SFA has indemnity provided by the State of Texas.

Senator Mueller inquired whether students requesting accommodations were obligated to meet with their instructor to discuss the issue, as the Special Accommodation Request form indicated. Ms. Clark referred Senator Mueller to Ms. Margie Franklin, but indicated that the student had legally self-identified by contacting ODS. Faculty members should not delay responding to the accommodation request until students contact them.

Senator Benoit asked what procedure would be followed if a student, professor, and ODS were not able to agree on accommodations to be provided. Ms. Clark indicated that administrative intervention would be required, beginning at the level of department chair.

Senator Mueller commented that in order for faculty to comply with the intent of ADA, administrative procedures for providing accommodations in a timely manner (e.g., funding for special equipment requests) would need to be streamlined. Ms. Clark agreed.

Senator Lowe inquired about the documentation required in support of a student's disability claim. Ms. Clark indicated that it varied with the disability. Hidden disabilities, such as learning disabilities, require assessment by a competent professional (e.g., a licensed psychologist) before ODS will recognize the claim. Senator S. McCune reiterated the point that receiving a Special Accommodation Request indicates that the student's disability has been documented.

Senator Gobel asked about time limitations on disability documentation. He cited a case in which a student requested an accommodation informally because the documentation of the disability was more than three years old, but retesting was problematic logistically and financially. Ms. Clark indicated that learning disabilities require reassessment after three years, but that time limits could vary for other disabilities. She cautioned faculty about providing accommodations informally. Faculty members represent the university and could be viewed as

creating university policy that would be binding on other faculty. Ms. Clark suggested that concerned faculty contact Ms. Lucy Stringer, ADA Compliance Officer for SFA.

B. Open Records Act and Personnel Evaluations

Ms. Clark reviewed the history of recent Open Records request from students who wished to obtain student evaluations of faculty for publication. She reported that the students have decided not to publish the data because they recognized that the data would lack integrity in the form in which it could be provided to them and people could be hurt by it. The Professional Welfare Committee of the Faculty Senate will work with representatives of SGA to evaluate the existing faculty evaluation questionnaire.

Any other evaluations of faculty will be regarded similarly under the law. Ms. Clark provided a handout of a letter from the Office of the Attorney General of the State of Texas to the General Counsel of The University of Texas System. Teaching and tenure evaluations, memos, and any factual information in an individual's personnel file is discoverable.

Chairperson Barton asked whether it made any difference that faculty were led to believe that their student evaluations and their tenure and promotion evaluations would remain confidential. Ms. Clark said this would have no effect in court; confidentiality was never guaranteed. Handwritten student comments may be exempt based on students' right to privacy under the Buckley amendment, but faculty are public employees.

Senator Benoit asked what constitutes a record and was told that any final document in any file, anywhere, could become accessible, with the exception of private, personal information in a personnel file. Senator Griffith was told that test files on computer represent an exception (one of 29 exceptions under the law). Senator Gobel requested clarification regarding what constitutes the personnel file of a faculty member. Ms. Clark stated that it would consist primarily of the file in the VPAA's office, but would also include anything pertaining to you, as an employee, in the Dean's office, the Chair's office, in Personnel, etc.

Senator Dahmus asked whether students who waive their right to have access to letters of recommendation written by faculty are truly waiving the right permanently. Ms. Clark was not sure, but will send a response to the next Senate meeting via Chairperson Barton.

Senator Mace commented that when the university's program of computerized student evaluations of faculty was introduced, faculty were told evaluations would be confidential. Since that is no longer the case, what is the current university policy regarding the evaluations? Ms. Clark responded that she was not responsible for academic policy

decisions. Chairperson Barton reported that VPAA Ashley had told him evaluations will continue to be used until she receives input from the Senate and SGA committee examining the evaluation policy.

Senator Hearell commented that the university told students who wanted to publish student evaluation data that the data lacked integrity, yet it is used to evaluate faculty. Ms. Clark responded that the aggregate rankings that would have been provided to those students would have been misleading. When used in tenure evaluations, an individual's pattern of performance over semesters is assessed. Senator Mace commented that the validity of student evaluations was supposed to be checked by a committee of experts; it has never been done.

Senator Dahmus asked if forms for tenure and promotion evaluations will be changed to remove the statement assuring confidentiality of information provided. Ms. Clark was not familiar with the form, but said that the information is not confidential. The evaluator's name would be confidential only if not provided on the form. An unsigned tenure evaluation would have less credibility for a university lawyer defending a denial of tenure. Ms. Clark encouraged faculty not to refuse to participate in tenure and promotion evaluations due to confidentiality concerns. She assured the Senate that faculty are protected for statements made, provided that they can support their position.

Senator Dahmus expressed concern about possible retaliation for non-confidential, negative evaluations of a supervisor. Ms. Clark responded that a grievance process exists to deal with inappropriate treatment of subordinates.

V. Committee Assignments

Chairperson Barton discussed the major issues facing the Faculty Senate that he had described in an August 2, 1994 letter to the Board of Regents (see attachment). He then discussed the preliminary assignments of each committee for this year, as listed on the Committees handout. Most preliminary assignments represent unfinished business from the 1993-94 Senate. He also indicated that committee memberships are subject to change.

Senator Mueller suggested that his Professional Welfare Committee should hold open, scheduled meetings when working with the Student Government Association on the issue of faculty evaluation policy. It was suggested that each committee have scheduled meeting times so that all senators and faculty can be informed of the committee meeting schedule.

Chairperson Barton assigned the Academic Affairs Committee to monitor the performance of students in the PREP program. Senator Daley stated that concerns about admissions practices extend beyond PREP, and that the overall academic qualifications of students being admitted has declined. He suggested that

the Deferred Admission category bears examination as well. Senator Mace suggested that Jeannie Attaway of the Dean's office, College of Liberal Arts, would be the best source of information regarding the number of students in the Deferred Admission program.

Senator Daley reported that he has information indicating that the Admissions Office has been using a set of standards that is significantly more lenient than the published admissions standards. He provided senators with a handout of the two sets of standards. The issue was referred to the Academic Affairs Committee.

Senator DiNucci suggested that the initiatives being taken to attract qualified students and reverse the downturn in enrollment be addressed as well.

The Faculty Government and Involvement Committee was assigned to review current policy and practice in the evaluation of administrators. Senator Hearrell distributed a Proposed Form For Administrator Evaluation. He reported that he had taken the form used by students to evaluate faculty and altered the items to fit administrative functions, based on suggestions and appeals from faculty and administrators. Senator Wright commented that the resolution passed by the Senate last year had not been accepted by the administration. It was suggested that if the administration refuses to adopt a policy for evaluation of administrators involving input from all faculty, the Faculty Senate could conduct such an evaluation independently. Chairperson Barton referred the matter to the FGI Committee and indicated that he would furnish information presented to the Senate on this matter last year to the committee chair, Senator McDonald.

VI. Old Business

A. Faculty Grievance Committee

Senator Mueller pointed out that the minutes of Meeting #239 of the Faculty Senate (May 11, 1994) stated that Chairperson Weems had appointed a Committee on Grievances. He reported that no meetings had taken place and suggested that the committee be reappointed. Chairperson Barton renewed the appointment of the Ad Hoc committee, as constituted by Immediate Past Chairperson Weems, to be chaired by Charles Jones.

B. Status of Senate Chair on Academic Affairs Council

Senator Hearrell asked whether the Senate resolution requesting that the Chairperson of the Faculty Senate be made a full voting member of the Academic Affairs Council had been denied. Chairperson Barton indicated that it had, but that perhaps the issue should be raised again.

Motion

A motion that the Faculty Senate reiterate the request that the Chairperson of the Faculty Senate be made a full voting member of the Academic Affairs Council was made by Senator Hearell and seconded by Senator Mace.

Discussion of the motion included Senator Turner's recommendation that the matter be referred to the FGI Committee in order for them to generate a resolution containing appropriate arguments in support of the logic of such a request.

Senator Hearell's motion carried, with two Senators opposed. Chairperson Barton referred the matter to the FGI Committee, which will prepare a resolution reflecting the motion.

Senator Berry requested additional information regarding Senator Daley's handout concerning admission standards. Senator Daley stated that the October 1993 standards represent official university policy, yet the standards dated March 1994 were being used. Senator Daley wanted to know why this informal policy change had been enacted without informing the faculty.

Chairperson Barton asked the Academic Affairs Committee to investigate this matter and report their findings to the Senate at the October meeting. The chair of Academic Affairs, Senator DiNucci, agreed to provide clarification.

VII. New Business

A. The Status of Call Faculty

Senator Mace introduced a request on the part of call faculty in the Department of English and Philosophy that the issue of equity in the treatment of call faculty be considered by the Faculty Senate. Senator Mace reported that call faculty teach 40% of the classes in that department, yet efforts to increase the stipend for classes taught were not acted on by the Dean of the College of Liberal Arts or by the VPAA.

Chairperson Barton referred the matter to the Professional Welfare Committee to be dealt with as soon as time and schedule permit.

VIII. Adjournment

A motion to adjourn was made by Senator Hearell and seconded by Senator Mace. It passed unanimously. The meeting was adjourned at 4:23 PM.

Visitors

Jasper Adams
Thomas Atchison
Yvette Clark
James Standley
Suzy Weems
Marlin C. Young

Stephen F. Austin State University

P.O. Box 6176, SFA Station (409) 568-1884
Nacogdoches, Texas 75962-3040
Tue Aug 02 1994



Faculty Senate
Chairperson C. P. Barton
Sciences and Mathematics
1993-1994

To the Board of Regents
Stephen F. Austin State University

Herein presented are some areas which I think will be of concern to the faculty during 1994 -1995. We will address these issues in as constructive and positive a manner as we possibly can in order to sustain and improve the University's efforts at fulfilling its stated mission.

- 1) Working in the framework of SFA 98 to achieve its aims
- 2) Faculty salary raises (equity adjustments)
- 3) Annual or regular staff evaluation of administrators
- 4) Merit pay standards
- 5) Confidentiality of student evaluations
- 6) Equitable disposition of the insurance premium rebate of three years ago
- 7) Restoring the office of the Graduate Dean
- 8) Better defined faculty involvement in major university committee membership appointments and activities
- 9) Uniform code on grievance procedures

We look forward to working with you this year.

A handwritten signature in cursive script that reads "C. P. Barton".

C. P. Barton (Pat), Chair
Faculty Senate