

# **FACULTY SENATE MEETING**

**March 21, 2000**

**Cashion 303**

**MINUTES**

**Present:** Abbott-Kirk, Adams, Baird, Beck, Bowery, Auld, Buddo, R. Cloud (for Gilchrest), Cox, Curtis, Davis, Farris, Garland, Genrich, Hair, Jensen, K. Johnson, P. Johnson, Johnston, Longfellow, Losey, McGee, Stone, Supplee Weaver, Williams, Wilson, Yelderman, Young

**Absent:** Carini, Dunn, Riley

## **I. Call to Order & Announcements.**

The meeting began at 3:35.

## **II. Consideration of Agenda**

The printed agenda was distributed, and approved by consent

## **III. Consideration of February Minutes**

The minutes from the February meeting (distributed electronically prior to the meeting) were approved by consent.

## **IV. New Business**

Report on Senate Elections

Senate Elections were held prior to Spring Break, and results were tabulated last week. A list of Senators for the year 2000-01 is presented as Appendix A.

## V. Old Business

### A. Proposed Constitutional Amendment

Baird distributed a proposed amendment to the Senate Constitution at the February meeting (see Minutes of 2/15/00). The Executive Committee recommended a modified version of the previous motion, which was submitted as a replacement. (Both versions are shown in Appendix B). The motion to approve this amendment passed unanimously.

### B. Dismissal Procedures. (See Appendix C).

The Dismissal Policy was distributed prior to the meeting of February 15, 2000, and was tentatively approved, pending resolution of a few questions raised during the Senate Meeting. After reviewing the policy and discussing the action with other Senators, Baird suggested that the Senate rescind the action of last month and consider the proposal as it has been revised (see Appendix C). This motion to rescind was made by Losey, seconded by McGee, and passed unanimously. A motion to approve the revised proposal was made by Beck, seconded by Johnston, and was followed by extensive discussion.

Jensen offered a written response which was distributed to the Senate (see Appendix D). These comments were discussed at length. During the discussion, Baird temporarily removed himself as chair (replaced by Losey) in order to speak on behalf of accepting the proposal. Specifically, Baird made several points:

- The proposal resulted from the recommendation made several years ago by the Faculty Committee on Academic Freedom, Responsibility, and Environment. The FCAFRE proposed that the responsibility of dismissal proceeding be removed from the Tenure committee, and this policy is the outgrowth of this faculty initiative.
- The Dismissal Committee is comprised of faculty, and at two distinct stages the dismissal proceedings can be terminated. Baird acknowledged, however, that if the Dismissal Committee does find evidence which could justify revocation of tenure, then the committee makes only a recommendation of action--this recommendation can be reversed or ignored.
- While the policy does not allow the President to be named as a specific grievant, this is an area that administration has indicated is not subject to further negotiation.

Following discussion, the motion to accept this proposal was passed with one dissention.

### C. Promotion Policy (see Appendix E).

Baird reported that the Council of Dean accepted the Senate's revisions to the Promotion Policy document. After some discussion over the implications of linking promotion to tenure, the policy was accepted as revised and shown in Appendix E.

### D. President's Forum

Baird and others expressed pleasure that the turnout and the number of questions submitted was greater than in the past. Some discussion ensued as to the possibility of changing the format, but the consensus was that the present format was working fairly well, and should be continued.

Deferred: Description of Senate in Faculty Handbook, Tenure Decision Letter

## **VI. Committee/Liaison Reports**

A. Faculty Committee on Academic Freedom, Responsibility, and Environment (J. Losey, Chair). No Report

B. Faculty Committee on Enrollment Management (D. Johnston, Chair). Target enrollment remains 2750. As of February 29, new freshmen applications were down slightly (1.6%), and freshmen acceptances were up 0.7%. The number of admitted freshmen who have paid their deposits are up more than 20%.

C. Faculty Committee on Physical Facilities (J. Yelderman, Chair). Queries about reducing available parking for visitors and increasing faculty parking will be examined.

D. Faculty Committee on Student Life and Services (R. Wilson, Chair).

The Faculty Committee for Student Life made the following recommendation to the Senate:

*The Senate recommend to the various faculties of the university that they officially recognize "dead week" as defined in the student handbook (the four days prior to the first day of final examinations) by avoiding giving tests or finals, or having papers or projects due during that time.*

After discussion, the motion was defeated, with 4 dissenting votes.

E. Athletic Council (M. Dunn, Liaison). No Report.

F. Staff Council (J. Abbott-Kirk, Liaison). No Report.

G. Benefits and Personnel Committee (F. Curtis, Liaison).

The committee reported back to the Senate on three issues:

1. Doctoral level study by faculty or dependents is not eligible for tuition remission.
2. Additional retirement fund options are currently being studied.
3. No changes are anticipated in Health Coverage options.

**With no further business, the meeting was adjourned at 5:10.**

Respectfully submitted,

Chuck Weaver

Appendix A

## List of Senate Members 2000-2001

### College of Arts and Sciences

Linda Adams 98-01\*

Robert "Bob" Baird 98-01\*

Rosalie Beck 98-01

Sara Stone 98-01\*

F. Ray Wilson II 98-01

David E. Young 98-01

Jay B. Losey 99-02\*

Richard B. Riley 99-02

Joe C. Yelderman, Jr. 99-02\*

Anne-Marie Bowery 00-03\*

Raymond Cannon 00-03

D. Thomas Hanks 00-03

Linda McManness 00-03

Jim H. Patton 00-03

Eric Rust 00-03

Charles A. Weaver III 00-03\*

### Engineering and Computer Science

Donald Farris 99-02

**Libraries**

William B. Hair III 99-02

**Nursing**

Martha Sanford 00-03

**Hankamer School of Business**

Mark G. Dunn 98-01

Karen Johnson 98-01\*

Joe A. Cox 99-02

Jane G. Williams 99-02

Van Gray 00-03

Charles Stanley 00-03

**School of Education**

K. Frederick Curtis 99-02

Norman L. Gilchrest 98-01

Pat Sharp 00-03

**Law School**

Marianne Auld 98-01

**School of Music**

Jane Abbott-Kirk 98-01

Michael Jacobson 00-03

**Truett Seminary**

David Garland 99-02

**Appendix B**

**Proposed Constitutional Amendment Introduced as a  
Motion in the Senate on February 15, 2000**

If an individual who has less than two years remaining on his or her first term on the Senate becomes chair-elect of the Senate, that person will automatically receive a new three-year term at the expiration of his/her term. If an individual who has less than two years remaining on his/her second term on the Senate becomes chair-elect of the Senate, that person will, at the expiration of his/her term, become a "senator-at-large" for one or two years depending on the time needed to complete his/her duties as chair of the Senate.

**A Motion to Amend the Original Motion to be Introduced by the  
Executive Committee of the Senate on March 21, 2000**

That the proposed Constitutional Amendment be amended to read: A person selected as chair-elect of the Senate will at the completion of his/her current term as senator become "senator-at-large" for the time needed to complete his/her duties as chair-elect, chair, and immediate past chair. At the conclusion of the "senator-at-large" term, the individual shall not be eligible for reelection to the Senate until one year has passed.

## Appendix C

### Faculty Dismissal Policy

Revision 2/11/00

NOTE: Additions in **bold** larger type; Deletions by ~~strikethrough~~

#### I. Dismissal of Faculty Member with Tenure

A. Grounds for dismissal based on performance or conduct. A faculty member with tenure may be dismissed on one or more of the following grounds:

1. Failure to perform assigned University duties in a competent manner.
2. Repeated failure to comply with University policies or



regulations as published in the Faculty Handbook

and/or Personnel Policy Manual or with specific orders of University officials.

3. Gross abuse of trust in faculty-student relationship.

4. Misconduct involving moral turpitude, conduct constituting a felony

under state or federal law, intemperance in the use of alcoholic beverages or use of illicit drugs, or other conduct clearly inconsistent

with the standard of conduct generally expected of a teacher in a university sponsored by Baptists.

B. Process. To deprive a tenured faculty member of employment the following procedure shall be followed:

1. A written charge shall be filed against the faculty member with the

University Dismissal Committee, setting forth the factual basis of the cause

for cancellation of tenure.

2. Such written charge shall be filed only by one of the following:

a. the chairperson of the department in which the faculty

member charged is employed;

b. a majority of the tenured faculty members of the department

in which the faculty member charged is employed;

c. the dean of the school or college in which the faculty member

charged is employed;

d. the Provost and Vice President for Academic Affairs or

e. the President of the University.

3. A copy of the written charge shall be sent to the faculty member charged by the chairperson of the Dismissal Committee with notice

that the accused must file a written answer to the charge with the Dismissal

Committee in not more than twenty days from receipt of the notice. The

accused may answer denying the charge in whole or in part, admitting the

charge in whole or in part, or stating that he/she does not wish to contest the

charges. The proceedings shall be considered civil in nature and failure to file

a written answer within the prescribed time shall be regarded as a default and

admission of the validity of the charge.

4. The accused shall have the right to be represented by counsel of his/her

choice.

5. After the receipt of the charge and answer thereto, or lapse of time for

filing the answer, the Dismissal Committee shall review the charge and

answer and decide whether there is probable cause to cancel tenure of the

accused, and a hearing on the charges is thereby warranted.

6. If the Dismissal Committee decides a hearing on the charge is

warranted, it shall set a date for the hearing and give written notice

thereof to both the accuser and the accused. If the Dismissal

Committee decides a hearing on the charge is not warranted, it shall so

indicate in writing to both the accuser and the accused.

7. If any member of the Dismissal Committee is employed in the same

department as the accused, he/she shall be disqualified to participate in

the consideration of any charge or the hearing thereon. Any member of

the Dismissal Committee may be challenged for cause by either the

accuser or accused. **If the challenge is sustained by a majority vote**

**of the remaining members present, the challenged member shall be**

**disqualified to participate in the consideration of any charge or the hearing**

**thereon. If as a result of such challenges, the number of available committee**

**members falls below nine, additional members shall be appointed jointly by**

**the President and the Chair of the Faculty Senate.**

8. At the hearing the person filing the charge must submit substantial

evidence to **prove support** the charge to the Dismissal Committee.

The accused and his/her counsel shall have the right to hear and see

such evidence and to challenge same and to present evidence in answer

thereto. Ordinarily witnesses shall testify in person and be subject to

Cross-examination but the strict rules of evidence in court trials shall

not be binding on the Dismissal Committee. Sworn statements may be

accepted when witnesses are not reasonably available.

9. The secretary of the Dismissal Committee shall preserve all papers and

written evidence filed in a case. A tape recording of hearings shall be

made and preserved as a part of the record of the case.

10. After the hearing the Dismissal Committee shall make findings of fact

upon the charge and with such findings submit a recommendation regarding continuance or termination of tenure of the accused.

11. Such findings of fact and recommendation shall be submitted to the

President of the University for review and final decision. In the absence of

serious procedural error constituting denial of due process in the hearing, the

findings of fact shall be accepted by the President, but if the findings support

the charges, the President shall have the final decision regarding whether the

tenure of the accused shall be cancelled. In cases in which the President filed

the charges against the accused, the review and final decision shall be made by

the Provost and Vice President for Academic Affairs.

12. The record of all proceedings herein shall be made available to the

Board of Regents which shall, at its discretion, review and make final decision in such matter.

13. The President, **with consent of the Dismissal Committee**, may issue

additional **dismissal** procedural guidelines not inconsistent with this

policy. (See appendix for legal details of procedural guidelines.)

## II. Dismissal of Faculty Member Without Tenure

The annual letter of appointment of a faculty member without tenure (including lecturer

**and senior lecturer** letters of appointment and tenure track probationary letters of

appointment) may be canceled during the term of such letter of appointment on the same

grounds and by the same procedure before the University Dismissal Committee as

provided for a faculty member with tenure. Such cancellation shall terminate all rights

arising therefrom, including the right, if any, for reemployment for another year. Nothing

herein in any way limits the right of the University not to renew the employment of a

faculty member without tenure at the end of the term of his/her letter of appointment

provided notice specified in paragraph 3 of BU-PP 704 has been given to those faculty

members on tenure track probationary appointments.

### III. Selection and Composition of the University Dismissal Committee

The Committee shall consists of ten tenured faculty members representing the schools, the college, and the libraries as follows:

College of Arts and Sciences: two members

School of Business: one member

School of Education: one member

School of Engineering and Computer Sciences: one member

School of Law: one member

Libraries: one member

School of Music: one member

School of Nursing: one member

Truett Theological Seminary: one member

The President will appoint five members and the Faculty through the Committee on Committees and Faculty Senate process will appoint five members.

To form the Dismissal Committee initially, the President will appoint a member from the College of Arts and Sciences and four members, each from another division of the university. Following the President's selection, the Committee on Committees with Senate approval will appoint a member from the College of Arts and Sciences and four members from the other divisions of the university to be represented. By lot, four will serve three-year terms, three will serve two-year terms, and three will serve one-year terms. In subsequent years, the appointments will be for three-year terms according to the following procedure:

Year One: President appoints two members; then, the Committee on

Committees with Senate approval appoints one member

Year Two: President appoints one member; then, the Committee on

Committees with Senate approval appoints two members

Year Three: President appoints two members; then, the Committee on

Committees with Senate approval appoints two members

Department chairs may not serve on this committee.



At the beginning of each academic year, the Dismissal Committee will elect its own chair

from among the members who have served at least one year on the Committee. No

member may serve as chair for more than one year.

After serving one term on the Dismissal Committee, a faculty

member must rotate off for at least one year before eligible for reappointment.

In order to avoid a tie vote, a member of the Dismissal Committee will serve as an

alternate in each case brought before the Committee. The alternate shall be decided by lot,

except that if a member of the Dismissal Committee is also a member of the department of

the faculty member against whom charges have been filed, he or she will recuse himself or

herself from that case. **If as a result of members of the committee recusing themselves the**

**number of available committee members falls below nine, additional members shall be**

**appointed jointly by the President and the Chair of the Faculty Senate.**

## Appendix

## PROCEDURAL GUIDELINES FOR DISMISSAL HEARINGS PURSUANT TO BU-PP 705

These guidelines shall be followed by the University Dismissal Committee during dismissal hearings held pursuant to BU-PP 705.

### ***1. Filing of the Charge***

The person or persons who sign the charge shall file the charge with the Chairperson of the Dismissal Committee. The Chairperson shall send a copy of the charge to the faculty member charged, or his or her counsel, with notice that the faculty member charged must file a written answer to the charge with the Dismissal Committee, addressed to the Chairperson or as directed by the Chairperson, in not more than 20 days from receipt of the charge and the notice to file an answer. A copy of the notice shall be provided to the person or persons who filed the charge.

The faculty member charged may answer denying the charge in whole or in part, admitting the charge in whole or in part, or stating that he/she does not wish to contest the charge. Failure to file a written answer within the prescribed time shall be regarded as a default and admission of the validity of the charge.

### ***2. Disqualification of Dismissal Committee Members***

If a member of the Dismissal Committee is employed in the same department as the faculty member charged, he/she shall be disqualified to participate in the consideration of any charge or the hearing thereon and one of the alternate members shall be designated by the Chairperson to take his/her place. Any

member of the Dismissal Committee may be challenged for cause by either the faculty member charged or the person or persons filing the charge.

A challenge must be submitted in writing with a statement of the reasons for the challenge. Any documents submitted or provided with respect to a challenge shall become part of the record. If a hearing is required to determine the challenge, the hearing shall be tape recorded as part of the record. A hearing on such challenge shall be held only in the event a majority of the committee members present, excluding the challenged member(s) vote that such hearing is necessary.

In case of such a challenge, the remainder of the permanent members of the Dismissal Committee shall consult with the challenged member regarding the challenge and then decide the challenge in closed session. If the challenge is sustained by a majority vote of the remaining members present, the challenged member shall be disqualified to participate in the consideration of any charge or the hearing thereon. The Chairperson shall notify both sides in writing of the result of the challenge. If the challenge is sustained, the Chairperson shall designate one of the alternates to act in the challenged member's place. In the event of recusal or disqualification of a committee member for any reason, which reduces the total number of members to less than nine, the President and Chair of the Faculty Senate shall jointly appoint a replacement member.

### ***3. Determination that a Hearing is Warranted***

After receipt of the charge and the answer to it, the Dismissal Committee shall review the charge and the answer to determine whether or not a hearing is warranted. A hearing is warranted if probable cause exists to cancel tenure (or the letter of appointment of non tenured faculty), which means only that a reasonable basis may exist to cancel tenure or to cancel the letter of appointment of a non tenured faculty member if the factual allegations are determined to be true. As such, a determination that a hearing is warranted is not in and of itself a determination that the alleged facts are true, but only that the charges are serious enough to warrant a hearing. The Dismissal Committee shall make this determination by majority vote of the members present as soon as possible after the answer is filed.

#### ***4. Scheduling the Hearing***

The Chairperson of the Dismissal Committee shall schedule the hearing as soon as possible after the determination that a hearing is warranted. The Dismissal Committee, through the Chairperson, shall give written notice of the date, time and place for the hearing to both the faculty member charged and the person or persons filing the charge. Such notice may be given to their counsel, if appropriate.

#### ***5. Nature of the Hearing/Attendance by the President or Provost***

The proceeding shall be considered civil in nature intended to permit both sides in the proceeding a fair opportunity to present evidence in support of their position. The faculty member charged may attend the entire hearing, except for the deliberations of the Dismissal Committee on findings and on the recommendation.

The proceedings are not open to the public. Witnesses may attend only during their testimony.

The person or persons who filed the charge may attend the entire hearing, even if the person or persons who filed the charge is also a witness. Additionally, the President (or the Provost if the President files the charge) may attend the hearing as the individual who must review and decide the case (subject to discretionary review by the Board of Regents).

#### ***6. Presentation of Substantial Evidence to Prove the Charge/Representation***

The person or persons who filed the charge shall submit substantial evidence to prove the charge themselves, or, as an agent or agents for Baylor University under BU-PP 705, through counsel of Baylor's choosing. Substantial evidence means such evidence, when considered and compared to that evidence opposed to it, has more convincing force and produces belief that the factual allegations more likely occurred than not.

The faculty member who has been charged will present his or her case after the presentation of evidence by the person or person who filed the charge. The person or persons who filed the charge may rebut evidence presented by the faculty member who has been charged. The person against whom the charge is filed may retain counsel at his or her own expense.

### *7. Legal Advisor to the Dismissal Committee*

Baylor will provide to the Dismissal Committee a Legal Advisor selected by Baylor. The Legal Advisor will be a licensed attorney experienced in litigation and the rules of evidence. The Legal Advisor will attend the hearing. The Legal Advisor will rule on offers of proof and any objections to evidence during the hearing.

### *8. Submission of Evidence*

The Dismissal Committee shall not be bound by the strict rules of evidence in court trials. Nonetheless, the Legal Advisor shall exclude evidence, upon objection or motion, that is irrelevant, immaterial, untrustworthy, privileged or unduly repetitious.

The person or persons who filed the charge and the faculty member who has been charged may stipulate to any factual matter.

## **9. Witnesses**

Ordinarily, witnesses shall testify in person and are subject to cross-examination. Witnesses may retain counsel at their own expense, and such counsel may attend the hearing during the testimony of the witness the counsel represents. A witness who testifies may adopt a prior written statement made by the witness, and the record shall include the prior written statement.

Witnesses may give testimony by telephone rather than in person when it would be inconvenient to the witness to testify in person or when the witness is unwilling to testify in person.

Sworn statements may be accepted without testimony by the witness when the witness is not reasonably available, including the witness' refusal to attend the hearing. In such event, the side seeking to use the sworn statement should give to the other side reasonable notice of the intended use of the statement and a copy of the statement.

## **10. Oral Argument**

The faculty member who has been charged or his or her representative and the person or persons who filed the charge or his or her representative are entitled to oral argument before deliberation by the Committee on findings and again before deliberation by the Committee on the recommendation. The person or persons who filed the charge or his or her representative are entitled to open and close such arguments.

## **11. Findings and Recommendation by the Dismissal Committee**

The hearing shall be bifurcated: the first part shall address only the factual findings on the charge, that is, whether there is substantial evidence in support of the factual allegations of the charge. If the Dismissal Committee finds there is substantial evidence in support of any factual allegation of the charge, the second part of the hearing will be to determine the Dismissal Committee's recommendation as to cancellation of tenure or of the letter of appointment for non-tenured faculty. Additional evidence may be submitted with respect to the recommendation.

To facilitate findings and the recommendation, the University shall prepare a findings worksheet and a recommendation worksheet. The Chair of the Dismissal Committee shall sign the findings worksheet and the recommendation worksheet. Voting will be by secret ballot. A finding or recommendation requires the vote of a majority of the members of the Dismissal Committee voting.

The Dismissal Committee may make findings with substitutions that conform the findings to the evidence presented, if necessary. The vote on the recommendation of cancellation of tenure or of cancellation of the letter of appointment for non-tenured faculty is a vote to recommend or not recommend cancellation, and not a vote on the ground or grounds on which to cancel tenure or the letter of appointment for non-tenured faculty.

Deliberations of the Dismissal Committee shall be in closed session, which will not be recorded. Only the voting members of the Dismissal Committee may be present during deliberations.

The Dismissal Committee shall make its findings and recommendation promptly after submission of the evidence and oral argument. The Dismissal Committee shall deliberate continuously with reasonable breaks until it makes its findings or recommendation, and the members should not perform any other duties during deliberations. Deliberations by the Dismissal Committee should occur only when all the voting members who have heard the evidence are present for deliberations.

## ***12. Record of the Hearing***

The secretary of the Dismissal Committee shall preserve all papers and written evidence filed in the case. Evidence that is excluded shall also be preserved even though it is not to be considered by the Dismissal Committee.

An official tape recording of the hearing may be made by a representative of Baylor and, if made, such recording shall be preserved for a reasonable time by Baylor as part of the record of the case. Transcription of the recording is not required, but either Baylor or the person against whom the charge is filed may arrange transcription at its own expense.

The findings and recommendations worksheets shall also be preserved as part of the record.

## ***13. Decision by the President***

The findings and recommendation shall be submitted to the President (or the Provost if the President files the charge) for review and final decision, subject to discretionary review by the Board of Regents. Upon request, the President shall be provided a copy of the record of the proceeding. The President (or Provost if the President files the charge) shall notify the person against whom the charge was filed and the person(s) bringing such charges of his or her decision. The decision shall become part of the record. The decision may include a return of the record to the Dismissal Committee for further consideration and deliberation.

## ***14. Discretionary Review of the Record by the Board of Regents***

The Board may in its sole discretion review the decision of the President (or Provost) in a case and make a final decision, but only upon request of either the



President or the person against whom the charge was filed. If the Board reviews a case, the review shall be based on the available record of the hearing. The Board will not hold a second hearing.

## RESPONSE TO PROPOSED DISMISSAL POLICY

Revision 2/11/00

(Submitted by Jensen)

Note: The following comments are relevant primarily, but not exclusively, to dismissal of

faculty member with tenure.

### **I. How important is the consideration of a dismissal policy for the Faculty Senate or the University?**

1. It is of the highest importance since dismissal is the means by which tenure is rescinded.
  - A. Tenure and the academic freedom which it entails and protects is the cornerstone of the American (and Western) university. Any university which fails to safeguard tenure through the policies of its granting and removal is almost certainly, if not certainly, to be considered by the national (and international) academic community as a nonmember with exceptionally serious and negative consequences for the university, its faculty, and students.

### **II. Responsibilities of the Faculty Senate in regard to the Dismissal Policy**

1. As the representative body of the faculty, the Senate has a responsibility to make sure that the dismissal policy protects the rights of the faculty, which means that the policy must be "fair," i.e.,

not weighted in favor of any party in the dispute (faculty member or administration).

2. The Senate also has a duty to protect the rights of the University, its faculty, and students since there are legitimate grounds for rescinding tenure. The Senate, thus, has a responsibility to make sure that the policy is "fair" in respect to all the parties involved.

3. The two responsibilities of the Senate, therefore, are really one: to make sure that the policy is "fair" (as defined in #1 above).

### **III. The question before the Faculty Senate, hence, is whether the proposed policy is fair?**

1. The following assessment argues that the proposed policy is @fair because it is too heavily weighted in favor of the administration which, at the very least, will taint any final decision. Such a perception would have serious negative ramifications for the reputation of the University, its faculty, and students.

### **IV. Reasons offered to support the conclusion that the proposed dismissal policy**

**is not fair.**

1. I. B (p. 1): Although various administrators or a majority of tenured faculty members from the department of the defendant may file charges with the Dismissal Committee, it is not required that they do so without consulting with their superior/s or with the University counsel. It is extremely difficult to believe that any of these parties will file charges without first consulting with the latter because of the potential legal ramifications, e.g. a lawsuit filed by the defendant against the particular plaintiffs, the president, and/or the University. It is also difficult to believe, for the same reason (and others), that the president of the university will be not be consulted and will have to approve, in effect if not fact, the filing of charges. Any dismissal is almost certainly to gain media coverage which will reflect on the president, his administration, and the University. Is it possible under such circumstances for the president to be considered impartial; and if not, then how can the

proposed dismissal policy be considered "fair" when the final decision is made by the president (B. I 1, p. 3)?

2. Once charges are filed against a faculty member, the procedure becomes adversarial with the administration committed to removing, the individual from the faculty and University. As such, neither the University Counsel nor any of the plaintiffs can be considered impartial.

3. Yet in spite of the indisputable adversarial nature of the procedure, the president and/or University counsel in the proposed policy are allowed to decide the following key issues:

a. The appointment of fifty per cent of the dismissal committee by the president (HI, pp. 3-4). Since only a majority of the committee is necessary to find against the defendant, it is extremely difficult to see how this proposed requirement can in any way be considered fair. At the very least, the committee's decision/s will appear biased in favor of the plaintiff/s.

b. "Baylor" (the administration and/or University counsel?) is allowed to select and hire a lawyer to oversee the hearing and to decide relevant matters (#7, p. 7). How fair is it to allow one party in a dispute to select the presiding judge?

c. "The University" (the University counsel ?) is allowed to prepare the essential documents for the dismissal committee: "a findings worksheet and a recommendation worksheet" (#I 1, p. 8). At the very least, the preparation of these documents by one party in the dispute will have the appearance of bias. (Why are these documents necessary since the filed charges specify the offense/s? Are we to assume that the dismissal committee is incompetent to weigh the evidence in relation to the filed charges?)

d. "The Dismissal Committee may modify the findings worksheet to conform to the evidence as presented, if necessary" (#1 1, p. 8). [Revised wording 3/20/00]. Does this mean that the committee may change the charges against the faculty member to make them conform to the actual evidence presented? If so, it is objectionable.

4. At least one of the grounds for dismissal is unduly vague and thus subject to arbitrary interpretation and application, viz. "or other conduct clearly inconsistent with the standard of conduct generally expected of a teacher in a university sponsored by Baptists" (I. 4, p. 1). For instance, would a faculty member be subject to dismissal if she (or he as a consenting husband) had an abortion? Does the conduct referred to carry over to the classroom and cover the presentation of subjects or points of view, such as homosexuality, sexuality in general, multiculturalism, feminism, "postmodernism," etc., which some Baptists are likely to disapprove of? If it does, then it violates the fundamental principle of academic freedom. Since Baptists are well-known for their disagreements, often rancorous, what group of Baptists count as "Baptists" in this statement? And how is a faculty member to know?

## **V. Other Concerns with the proposed policy**

1. Important aspects of the procedure are omitted from the proposed Dismissal policy:

a. Must the original filed charges be the sole focus of the investigation by the University counsel and other lawyers hired by the administration? Or, once a charge or charges are filed, does this become a justification for investigating any or all aspects of the defendant's performance at the University? If the latter, how does the proposed policy not acquire at least the appearance of a "witchhunt" whose objective is to get rid of the faculty member at all costs?

b. Can the charges once filed, be emended [sic]? If so, under what conditions?

## PROMOTION POLICY DOCUMENT

**As approved by Council of Deans 3-1-00**

### CHARGE TO THE COMMITTEE

Appointed by the Academic Freedom, Responsibility, and Environment Committee and approved by the Faculty Senate, the Promotion Policy Task Force was charged to create a Promotion Policy Document consistent with the goals and mission of the University, the existing Promotion Statement (BU-PP 702), and the promotion policies of individual schools and departments of the University.

### PROMOTION POLICY

The purpose of a promotion policy is to ensure that, after a fully documented review, the University recognizes by title--Instructor, Assistant Professor, Associate Professor, or Professor--the contributions of Baylor faculty to constituencies of the University and the larger society which it serves. Promotion from one rank to another should be consistent with the general principles stated in the "Tenure Policy" (Faculty Handbook 107-111, 179-185) and the "Statement

on Scholarly Expectations," approved in February of 1998 by the President and the Provost and Vice President for Academic Affairs.

## CRITERIA FOR PROMOTION

To qualify for promotion to the various academic ranks, successful applicants must, except in exceptional circumstances, meet the following guidelines and minimal qualifications (as enumerated in BU-PP 702). Individual departments and/or schools should establish criteria for promotion. These criteria should be developed in consultation with appropriate Deans and the Provost.

**Instructor:** this rank is used for faculty who have not completed terminal degrees or who may lack other specific qualifications. The criteria for promotion from instructor to assistant professor are agreed upon at the time of hiring and are given in the initial letter of appointment.

**Promotion to Assistant Professor:** the terminal degree or three years of teaching experience (or three years of other acceptable professional experience).

**Individuals initially appointed to or promoted to the rank of assistant professor should show promise of becoming an effective teacher, of becoming a productive scholar, and of supporting the mission of the department and the university, and of assuming one's share of departmental and university-wide responsibilities. Scholarship here and elsewhere in this document should be understood as material that, in some manner, is publicly disseminated. Moreover, scholarship here and elsewhere in this document should be understood broadly and includes 1) traditional forms of research resulting in discoveries, 2) reflection that creatively integrates ideas, 3) creative performances and productions typically associated with the fine arts, 4) the application of knowledge in solving problems, and 5) research that focuses on the activity of teaching itself.**

**Promotion to Associate Professor:** the terminal degree and at least six years **successful experience as a university teacher/scholar**. Individuals promoted to the rank of associate professor will have given evidence of effective teaching, of scholarship, and of supporting the mission of the department and the university and of assuming one's share of departmental and university-wide responsibilities.

**Promotion to Professor:** the terminal degree and at least 15 years of successful university experience as a teacher/scholar **or equivalent professional experience**. The rank of professor is the highest academic rank in the University. ~~As such, individuals should have recognition as distinguished authorities in their field, recognition primarily attained through an established record of scholarly research and publication, although the level of research and publication may vary depending on the nature of the program of which the faculty member is a part. For example, the research and publication expectations and opportunities in a department offering the doctoral degree might be significantly different from the expectations or opportunities in a department that offers only the bachelors degree.~~ **As such, individuals promoted to the rank of professor will have given significant evidence of effective teaching, of scholarship, and of supporting the mission of the department and the university, and of assuming one's share of departmental and university-wide responsibilities. In addition, the individual will be recognized as distinguished in teaching, scholarship, or in providing special leadership in important areas of university, professional, or community life. This flexibility in criteria is a reflection of both the different gifts that faculty members have and the different departmental situations in which they carry out their responsibilities.**

**In appointments and promotions, exceptions to the above criteria may be justified by distinguished achievement.**

As indicated above, to provide guidance for faculty applying for promotion and to provide guidance for faculty and administrators in evaluating such applications, schools and departments should develop more detailed criteria for promotion consistent with the quality and standards associated with ranks in

their discipline, with this promotion policy document, and with the mission and goals of the University.

To qualify for promotion in rank, the faculty member applying for promotion must document his or her achievements in the traditional areas of evaluation: teaching, scholarship/creative expression (see "Statement on Scholarly Expectations"), and university **and community** service.

## **ANNUAL CALENDAR OF EVENTS RELATED TO PROMOTION IN RANK**

(This calendar of events is not meant to restrict departments and schools from creating a calendar that initiates an earlier timetable.)

### 1. Application for Promotion--December 1

a) Faculty may apply for promotion in faculty rank or be recommended for promotion by the department chair.

**Recommendations for promotion for individuals who are being considered for tenure must be delayed until the tenure decision has been made.**

b) Faculty letters of application should be modeled on the tenure letter (see Faculty Handbook, "Tenure Policy," C.1.c) and should be submitted to the department chair by December 1. The letter of application should set forth the individual's qualifications for promotion.

c) Candidates for promotion must provide the documentation necessary for evaluating their qualifications for promotion.

### 2. Departmental Recommendation--February 1



- a) Each department or school should develop procedures for making recommendations for promotion in rank and those decisions should be made on or before January 31.
- b) If the decision is favorable, the chair of the department should relay this recommendation to the dean on or before February 1.
- c) Whether or not the vote is favorable, the chair should inform the candidate about the faculty's recommendation by February 1.

### 3. Appeals--February 15

- a) If the department rejects the candidate's application, he or she may submit a written appeal of this decision to the dean on or before February 15.
- b) If an appeal is made, the dean shall consult directly with the chair concerning the basis of the department's original recommendation.

### 4. The Dean's Recommendation--March 1

By March 1, the dean will forward to the Provost and Vice President for Academic Affairs his or her recommendation along with the department's recommendation. If the dean's decision is not favorable and that decision is upheld by the Provost, the Provost shall notify the dean who shall then notify the chair. This shall terminate the process.

### 5. The Provost's Recommendation--March 15

If the process is not previously terminated, the Provost and Vice President for Academic Affairs shall inform the President by March 15 of his or her

recommendation concerning the application or nomination for promotion. The President's decision which is final shall be made by April 1. The final decision shall be communicated to the appropriate dean through the Provost by April 10.

### **DUE PROCESS**

If a faculty member at any point in the proceedings believes that the promotion policy procedures have been violated, he or she should first discuss informally the problem with the responsible faculty or administrators. If there is no satisfactory informal resolution, the faculty member may file a formal grievance. (See Faculty Handbook, "Faculty Grievance Policy" 125.)

### **SALARY INCREASES**

The faculty member earning a promotion should also receive an appropriate salary increase reflecting the promotion in rank. Whenever budgetary constraints make such an increase impracticable in any particular year, the faculty member should receive an increase at the next budget period when funds are available. Promotions should not be delayed because of financial constraints. Conversely, promotions must be earned through these promotion policy guidelines and not be used as substitutes for salary increases.

Respectfully submitted:

**Promotion Policy Task Force**

**Jay Losey, Chair**

Associate Professor of English, College of Arts and Sciences

**Doris DeLoach**

Professor of Oboe, Division of Instrumental Studies, School of Music

**Kent Gilbreath**

Professor of Economics, Hankamer School of Business

**Deborah Johnston**

Associate Professor of Health, Human Performance and Recreation,  
School of Education

**Betty Jo Monk**

Associate Professor of Educational Administration, School of Education

**Daniel Wivagg**

Professor of Biology, College of Arts and Sciences