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1989 April 3 - Faculty Senate Minutes

Faculty Senate, East Tennessee State University

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MINUTES OF THE FACULTY SENATE MEETING

Date: April 3, 1989

Call to Order

The meeting was called to order by president Anne LeCroy at 3:37 p.m.

Approval of Minutes

Approval of the previous meetings minutes was postponed until the next senate meeting.

Announcements

Announcements were made regarding the Executive Committee meeting April 7, at 3:30 p.m. as well as the April 12 meeting with Dr's Beller and Alfonso. It was also announced that International Week was starting and faculty should take advantage of the activities.

Program

Ms. Mary Walker, chief legal counsel for the State Board of Regents was introduced and addressed a list of concerns submitted to her prior to the meeting.

Ms. Walker noted that several items were not legal questions and would have to be resolved by the administration. The first item addressed was the public posting of student grades. In comparing the memo sent out by Dr. Alfonso's office with the one submitted to her the day of the senate meeting by the business faculty, suggesting an alternative, she made the following suggestions:

1. The faculty can not post grades by Social Security number or any other easily identifiable number unless the student has waived their right to have that information published;
2. The form developed by Jim Frierson, in the college of business was legal and could be used;
3. A method that was devised at Vanderbilt, which she felt was possibly easier, that a new number was given to the student each time they took an exam and would only be known by that faculty member and the student and could be posted;
4. Posting of grades is being done in the SBR system, but, the method used must be approved by the administration.

Tennessee Uniform Administrative Procedures Act can only be invoked if a faculty member's constitutional or statutory rights have been violated. Generally under normal job activity the TUAPA would not afford any coverage.

The professional liability insurance question was deferred. The next item referred to codes involving municipalities and not to state governance.

The next group of items dealt with the Tennessee Claims Commission Act concerned with liability. Normally state officials including the faculty at ETSU are immune from the awarding of money damages (sovereign immunity). However the state does not prohibit the awarding of claims in cases of

negligence, libel or slander, infringement of constitutional rights and nuisance. Individuals who act responsibly do not need additional coverage but must make up their own mind concerning the need for malpractice insurance.

Liability of sites for medical school students. Currently hospitals are not covered for all acts by the residents while at these sites.

Outside consulting is considered out of the realm of the institution and the faculty member becomes responsible for securing liability coverage.

5:02:03:00
Tenure track employees are under a contractual basis and serve at the "pleasure of the president" and under normal circumstances will not be terminated without adequate cause (502 03 00). However, the contract does not have to be renewed and the president does not have to site a reason for non-renewal. There is nothing which holds the institution to the tenure policy that the faculty member was hired under. The faculty member can expect to be evaluated under the tenure policy in effect at the time of application. Tenured faculty are not assured continued employment at any particular position, salary, or teaching assignment.

Open Records Act gives the employee the right to see any records relating them. However, academic privilege is invoked when committees vote on tenure.

Merit pay is not covered under any currently known Board policy.

Appeals of evaluations are an institutional concern and are not covered under any Board policy.

Salary discrepancies should be forwarded to General Neasman for investigation and would not be forwarded outside the institution.

Faculty office privacy is protected by the Fourth Amendment. It does not stop someone from entering your office or observing documents that are in plain view. However, it does protect from illegal search and seizure. There has been some rulings addressing what expectations faculty should have concerning their right to privacy. Personal mail should not be received at the institution. But, if it is inadvertently opened it would not normally be a prosecutable offense. If someone not authorized to open the mail does, then the Attorney General should be notified.

5:02:03:00
Policy 502 03 00 page 5 of 19 covers the guidelines for the three-time, single year contract situations. At some point if a need is defined then these short term contracts can convert to a tenure track situation.

5:01:06:00
Policy 501 06 00 deals with what happens if a faculty member wishes to patent or copyright and the institutions right to negotiate for royalties or expected costs.

Dana Reed Case is over as far as the Washington County's financial responsibility is concerned. ETSU was not a party to the law suit nor was ~~there~~ any wrong doing found by the Supreme Court. Currently negotiations are ongoing between ETSU and the Washington County Board of Education, contrary to the news reports. Ms Walker was unable to go into detail at the meeting. However, she did explain that any tenured faculty at the University school would be considered tenured faculty at ETSU. If these negotiations fall through, then non-tenured faculty would have approximately two years to respond to this dilemma. If curricular efficacy becomes the issue then tenured faculty could also be dismissed. There was some concern expressed regarding the length of time for the tenure process in the school system versus what is required by the university. The particulars of this item could not be addressed without all parties involved.

The copyright law must be abided by.

New Business

The April 17 meeting will address the core curriculum proposal.

Adjournment

The senate was adjourned at 4:55 p.m.

Attendance

Attended

Charles Parker
Jim Pleasant
Etta Saltos
Suzanne Smith
David Close
Christa Hungate
Hugh LaFollette
Colin Baxter
Anne LeCroy (Pres)
Edwin Williams
Karen Renzaglia
Al Tirman
Charles Johnson
Bill Fisher
George Granger
Al Lucero
Mary Nelson
Bill Campbell
Mitchell Robinson
Brunhilde Tober-Meyer
Gene McCoy
Werner Waldron
Marie Tedesco
Wilsie Bishop

Absent

Paul Walwick
Ernest Bentley
Charles Beseda
Jean Frazier
Don Jones
Bob Acuff
Margaret Hougland (ex)
Sue McCoy
Clark Gillett
Donald Ferguson
Rosemary Brown
Richard Verhegge
Joyce Bassham
Katherine Dibble
Saralyn Gold
Al Iglar

Respectfully Submitted,

Werner W. Waldron

Attendance continued
Wilsie Bishop
David Logan
Paul Fendt

Respectfully Submitted

Werner W. Waldron

Next Meeting:

April 3, 1989
Forum Room
3:40 p.m.