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Minutes of the Meeting of the Board of Trustees of Southwestern at Memphis May 26, 1978

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MINUTES OF THE BOARD OF TRUSTEES
SOUTHWESTERN AT MEMPHIS
Called Meeting
May 19, 1978

78-5-1 Chairman Robert D. McCallum, at the request of the Board at its April 12, 1978 meeting, called a meeting of the Executive Committee (78-4-4). All members of the Board had been invited to attend. Because so many Board members were able to attend, the Chairman declared the session to be a meeting of the Board of Trustees and requested the minutes read a meeting of the full Board.

78-5-2 The Board of Trustees of Southwestern At Memphis met in the Edmund Orgill Room of S. DeWitt Clough Hall on the campus at 3:00 P.M. on May 19, 1978. Members of the Faculty Professional Interests Committee, the ad hoc Committee on Faculty and Educational Development for the 80's, and the Executive Vice President and Dean of the College were invited to attend.

78-5-3 The following were present:

<u>Synod of the Mid-South</u>	<u>Board Elected Trustees</u>	<u>Synod of Red River</u>
Walk C. Jones III, '80	Walter P. Armstrong, Jr., '80	Jessie Falls, '80
Robert D. McCallum, '79	Charles P. Cobb, '80	
Judith Mitchener, '78	Margaret Hyde, '80	<u>Faculty Trustees</u>
M. D. Prouty, Jr., '79	Paul T. Jones, '79	Robert L. Amy, '79
S. Herbert Rhea, '79	Michael McDonnell, '79	James W. Jobes, '78
Henry B. Strock, Jr., '80	William W. Mitchell, '79	G. Kenneth Williams, '80
Richard A. Trippeer, Jr., '78	P.K. Seidman, '80	
John W. Wade, '78	Sidney A. Stewart, Jr., '79	<u>Student Members</u>
Henri P. Watson, Jr., '79		Wm. Ralph Jones III
		Mary Lee Palmer
<u>Ex Officio Members</u>		Paul Thomas Parrish
James H. Daughdrill, Jr., President		
Frank M. Mitchener, Jr., Chmn. of Development Council		<u>Life Trustees</u>
		Edmund Orgill
<u>Faculty Professional Interests Committee</u>		<u>Present by Invitation</u>
Emmett H. Anderson, Jr.	Robert L. Llewellyn	Josephine B. Hall
Milton P. Brown, Jr.	James D. Morris	Jesse Johnson
Jack D. Farris	Jack U. Russell	Ron Yarbrough
Richard D. Gilliom		
<u>Ad Hoc Committee on Faculty & Educational Development</u>		<u>Ex.V-P & Dean of Col.</u>
Lawrence K. Anthony	Jack H. Taylor	Charles O. Warren
Kay Randle	Bernice White	

78-5-4 Because of a communication from the Faculty Professional Interests Committee to the members of the Faculty regarding a censure of the President (see Exhibit A, which also includes responses of President Daughdrill), the Board, after a full discussion with both committees, took the following actions:

78-5-5

MOTION

The Board of Trustees after careful consideration finds no basis for the Faculty action in its vote of censure and rejects and deplores the action of the faculty committee in this regard.

(Adopted unanimously)

78-5-6

MOTION

The Board of Trustees will reconvene at 3:00 P.M. Friday, May 26, 1978, for the sole purpose of considering recommendations regarding tenure. The Faculty Professional Interests Committee and the Ad Hoc Committee on Faculty and Educational Development are invited to make recommendations.

(Adopted unanimously.)

The meeting adjourned at approximately 6:00 P.M.


S. Herbert Rhea
S. Herbert Rhea, Secretary

To: All Members of the Southwestern Faculty

From: The Faculty Professional Interests Committee

and from James H. Daughdrill, Jr. typed after each section of the Committee's report. (May 10, 1978)

This committee met at 4:00 P.M. on Thursday, May 4, 1978, and approved the following statement:

In regard to the recent and ongoing controversy precipitated by President Daughdrill's "blue paper" on tenure, the Faculty Professional Interests Committee draws the following conclusions:

1. There are matters of tenure policy at Southwestern which deserve careful study and possible change to adjust to changing circumstances in higher education. In view of the importance of the tenure policy for all parties concerned, we believe the matter should be studied, deliberated on, and debated by all members of the Board of Trustees, the Administration, and the Faculty.

While I may disagree with the Committee on how much longer the discussions should go on, I certainly agree that matters of tenure and faculty development should be discussed and debated by the faculty, Trustees, and administration. To facilitate doing this in a knowledgeable manner, if anyone will send me ideas, questions, articles, etc. on these or related subjects, I will see that they are mimeographed and distributed to all these people.

2. We believe the statement of tenure in the college by-laws to be a part of every faculty member's contract, and that any variance from these provisions constitutes a breach of contract by the college. In our opinion, any such breach on the part of the college is unacceptable.

I do not think that I agree with the statement that any variance constitutes a breach of contract by the college. I believe that there have been exceptions to the statement of tenure that are neither breaches of contract nor unacceptable to the Faculty Professional Interests Comm. One such case was about two years ago when the Physics Dept. changed their tenure recommendation after the professor had completed his 4th year. I believe that the FPIC reviewed this, and I believe that tenure was not granted by the college.

3. Although the procedures by which tenure decisions are made seem to be clearly defined, they appear to be inadequate for these times. A careful study to improve tenure decision procedures seems to be called for.

These procedures have been vastly improved during the last year, and I also favor continued improvements where they can be made.

4. In the matter of the five current candidates for tenure, we think that the current by-law provisions and established practice must be followed. We are adamantly opposed to "changing the rules in the middle of the game."

I believe that my recommendations to the Board Executive Committee dated May 4 may answer this concern, unless the Committee interprets provisional tenure as "changing the rules in the middle of the game". Two members of the Committee, one department, the Dean, and I have all recommended conditional tenure - though I am still holding open the option of recommending a maximum % of tenure.

5. A rewriting of tenure provisions in the by-laws is, we believe, a matter that can have only long-term impact. We believe that the current by-laws must continue to apply to all currently employed faculty members, that changes must affect only new employees. While we can't be certain this is a proper legal interpretation, we are certain this is the proper moral view of the matter.

There is widespread disagreement on the question of how it should affect those who do not have tenure, because of unforeseen extenuating circumstances. I cannot be certain of the legal interpretations, either, and I think the moral view depends on how drastic the circumstances, how long the change has been discussed, how long the professor has been here, etc.

6. Examination of the evidence related to the current tenure controversy leads us to conclude that President Daughdrill erred in the following particulars:

- A. He and Dean Warren failed to communicate adequately before the President sought action by the Board of Trustees. Since Dean Warren is the administrative officer directly responsible for such matters, and since he is the "voice of the faculty" to the President, we find this failure particularly alarming.

If this means that the Committee thinks we have failed to communicate adequately with the faculty, then I hope we can improve this so that it will be thought adequate. If it means that we failed to communicate adequately with each other, then I disagree. We know what the other's views are, where we agree, where we disagree, and neither of us had made recommendations to other groups without discussing them with each other before we made them. Being as busy as we both are, I think we have done this very well.

- B. He placed the five tenure candidates in an extremely awkward and uncomfortable position by abruptly changing the procedures for handling such cases, making, in effect, a public issue out of what has been, traditionally, a semi-private one. The individuals concerned have suffered needless mental anguish as a result. The manner in which these cases have been handled can only be termed "insensitive and unfeeling", quite contrary to the traditional humane way in which Southwestern treats people.

I simply draw a different conclusion than the Committee does here. My conclusion is that terminating professors to conform with the Committee's view in No. 2 above can be the more insensitive and unfeeling view.

- C. He proposed to the Board of Trustees an alternative for handling tenure matters which is directly contrary to the current by-laws of the College. In particular, he proposes to extend the period of probation from five to more than five years. The by-laws state explicitly that the sixth contract must be a tenured contract (for full-time candidates).

I would change this wording to, "He recommended in January to the Board of Trustees, the Faculty Professional Interests Committee, and the Faculty General Education Committee a change in the probationary period that would change the current by-laws of the college, if approved by the Board."

- D. He brought up in executive session of the Board meeting (a session which excluded all faculty and student members as well as all administrators, except the President) a recommendation that affects faculty policy, but which excluded any discussion or criticism by the faculty. The exclusion of the Dean of the College from this meeting we find particularly distressing. This action is directly contrary to espoused policies of "open and full discussion" of issues at Southwestern.

At Board meetings during the last year or so it has been the usual practice for the Board to have two executive sessions, one with the President near the beginning of the meeting and one without the President near the end of the meeting. Now, regarding the first executive session on April 12, if I had requested a vote on tenure decisions by the Board, or if I had made some sort of secret recommendation that was not mimeographed and given to the non-voting members and the committees involved, then I might arrive at the same conclusion as the Committee did. However, the Board meeting still had 3 hours to go when the non voting members got their copies of my report. If anyone were suspicious of the way it was handled I wish they had expressed it. If anyone had concerns or questions, I wish they had raised them, either with the Board or with me privately during the break. I did not raise the question of arousing suspicion--my recommendation in the paper was exactly what is called for by the Committee--open and full discussion, not just limited to the Board meeting, but extending it till May 30th.

I apologize if reading my recommendation in an executive session aroused suspicion. But the faculty vote on censure should not be based on whether the FPIC is suspicious or not. The question is, did I try to cut off open discussion-debate? The answer is no. My recommendation provided more time for open discussion and debate.

- E. He has projected us into a "crisis" demanding immediate action by failing to call early attention to any problem regarding the granting of tenure to the five faculty members currently under consideration.

I had discussed maximum tenure % with the Deans for more than a year. I wrote to Dean Warren in November that I was going to recommend 75% maximum tenure to the Board. I made that recommendation to the Board, the FPIC, and the Fac. Gen'l. Ed. Comm. in January. Copies were sent to every member of the faculty. I expected that the committees to whom it was referred would do this, or that someone or some department involved in the tenure evaluation process might ask the questions. When a whole month went by and I did not get a single response or even a question from any member of the committees or departments, I wrote a memo to the Dean asking if there would be any problems this year if the recommendation were approved at the April meeting. In early March I got the information as to percentages and who was involved.

It is a fact that discussions of the long-term policies on tenure were begun in late 1976-77. (See the Report for the 80's, to which the Faculty Professional Interests Committee responded in early 1977-78 and brought to the attention of the administration and faculty. (See Report of the FPIC)). We believe that the President has not followed up on these beginnings in a timely and appropriate manner, and has confused the acknowledged need of a discussion of tenure with the matter of deciding tenure for the five persons in question.

The thing that brought the long range plans and short range decisions together was not confusion, but the Mellon Fdn's. 1976 caveat regarding going above 75% tenure while applying for a faculty development grant. Added to that was the Keast report's warning that it may be dangerous for most colleges to go higher than 50% to 67%. Nowhere does the Committee say what should have been done. Who should have done what in a "timely and appropriate manner" to have headed-off the present situation? One reason the Fac. Gen'l Ed. Comm. hasn't even started discussing tenure is that they have spent most of this year working on faculty evaluation. And one reason they have done that is because the FPIC refused to do it when I asked them to in the spring of 1975. What is timely and appropriate?

- F. He dated the "blue paper" April 12 (the day of the April meeting of the Board of Trustees), and noted at the end of that paper that copies had been sent to Dean Warren, Dr. Milton Brown, Chairman of the Faculty Professional Interests Committee, and Dr. Kay Randle, Chairman of the Faculty General Education Committee. But Dr. Warren saw a copy of the "blue paper" first on April 12 immediately after the executive session in which the Board approved the "blue paper", and Drs. Brown and Randle received their copies on Friday, April 14, two full days after the Board meeting. Whether this was simply unfortunate timing or a deliberate attempt to keep the faculty uninformed, the effect was the same: it precluded any faculty participation in a Board action that vitally affects faculty policy.

The stencil-master for the "blue paper" was typed on April 3, and had at the top the words "Draft 4/3/78 for use April 12".

On April 3 I gave a Xerox copy to Dean Warren and mailed a copy to Mr. McCallum. In discussing it that morning with Dean Warren he suggested one change, the deletion of one phrase. I had this phrase "whited out" on the stencil-master. After meeting with Dean Warren I left on an 8-day trip that included two "blitz" meetings in Texas, a meeting of the Southern Univ. Conf. in S.C., and Mr. E.H. Little's birthday celebration in N.C. I arrived back in Memphis about noon on April 11th. The short time in the office was spent chiefly in preparation for my remarks at the Diehl Society dinner that night, where I checked with Mr. McCallum who had gotten his copy and who had no changes to suggest. The next morning the stencils were cut (after "whiteing out" the words "Draft April 3 for presentation on"), the papers were mimeographed, collated, stapled, and delivered to the Board room along with other papers and reports run that morning, while the Board was at lunch after the convocation. The voting members of the Board got their copies as soon as the meeting convened, and I read the report to them. They voted to authorize the Executive Committee to act in the Board's behalf so that open and full discussion could continue through the month of May. The non-voting members of the Board got copies as soon as they came into the room, three hours before adjournment. I did not know that Profs. Randle and Brown did not get their copies until two days later, and I regret that.

In summary, the Faculty Professional Interests Committee considers the President's action in the matter of the current tenure debate to have been capricious and in obvious conflict with established policies of Southwestern. Therefore, we move to the faculty the following actions:

1. That the faculty censure the President for the manner in which he has handled the tenure matter this spring;

I, too, feel that I should be censured, and I censure myself, but not for the same thing the Committee recommends. I censure myself for not raising the issues earlier since the faculty and Dean had not raised them. I censure myself for not starting the process on March 1, 1973, one month after I got here, and for not setting a deadline for debate so that the matters of tenure, evaluation of teaching and the whole area of faculty development would have been faced-up to much earlier by Southwestern. We played ostrich. We may be facing up to the questions too late to avoid "dangers" to the academic programs, even assuming that decisions can be made by January of 1979. But if we can get through the Self-Study/Accreditation Evaluation, if we can make plans to help minimize the problems caused by a very high tenure percent, if we can make retrenchment plans, and if we can get a faculty development grant to help us carry out the plans, then we will have come through a very, very difficult period--a period when many other institutions are handling the same problems in much more insensitive ways, much more emotional ways, and much more drastic ways.

2. That the faculty inform the Board of Trustees of such censure action and the reasons for such action;

I request that the vote be by secret ballot. If a majority of the faculty votes for censure, I ask that the charges be specific and in writing when you inform the Board of Trustees.

3. That the faculty request the Board of Trustees to direct the President, in future, to follow generally accepted college procedures in matters regarding faculty policy, especially as regards openness, full discussion, and debate.

I have probably been accused of many things but never, to my knowledge, of not being open and wanting full debate and discussion. I feel that I have done this not only up to minimal standards, but with a patience that has allowed it to go on too long, in view of the pressures on the college and higher education with the coming of the steady state.

Members in attendance, all voting approval:

Emmett H. Anderson, Jr.
Jack D. Farris
Richard D. Gilliom
Robert R. Llewellyn
James R. Morris
Jack U. Russell

(Professor Milton Brown was absent from the meeting, and not voting.)

Members of the Southwestern faculty, I know how the members of the Committee feel, and perhaps how you feel, and I think I know some of the reasons. I think that all of us are caught in the middle. Caught not in faculty-administration differences, but caught without having done our homework in the middle of a much broader context of outside pressures. And I believe that if anyone is guilty then everyone is guilty.

I have earned your disagreement. I understand that. We have very different responsibilities and differences will occur. But I have not earned your mistrust.

Everyone of us regrets the pressures that the untenured professors, the Dean, I, the Trustees and you feel. Every one of us wants what is best for the professors involved in the short run and for Southwestern in the long run. I believe that we will work together to find the best course.

James H. Daughdrill, Jr.