

MINUTES OF MEETING OF BOARD OF REGENTS
WESTERN KENTUCKY UNIVERSITY
October 25, 1975

A regular meeting of the Board of Regents of Western Kentucky University was held on Saturday, October 25, 1975, at 2:30 p.m., CDT, in the Regents Conference Room, Wetherby Administration Building, on the Western campus. The meeting was preceded by a meeting of the Executive Committee at 1:00 o'clock in the Office of the President. Dr. W. Gerald Edds, Chairman, presided.

The meeting opened with a prayer of invocation by Mr. Dee Gibson, Jr., Director of Public Affairs and Community Relations.

All members were present; namely,

Dr. William G. Buckman
Mr. Ronald W. Clark
Mr. John David Cole
Dr. W. Gerald Edds
Dr. Chalmer P. Embry
Mr. Stephen L. Henry
Dr. W. R. McCormack
Mr. Hugh Poland
Mr. John L. Ramsey
Mr. Albert G. Ross

Also present, in addition to Mr. Gibson, were Dr. Dero G. Downing, President; Dr. Raymond L. Cravens, Vice President for Academic Affairs and Dean of the Faculties; Dr. John D. Minton, Vice President for Administrative Affairs; Mr. Harry K. Largen, Vice President for Business Affairs and Treasurer; Miss Georgia Bates, Secretary to the Board; Dr. Paul B. Cook, Assistant to the President for Resources Management and Director of the Budget; Mr. Rhea Lazarus, Staff Assistant, Office of the President; and Mr. William E. Bivin, University Attorney.

The minutes of the special meeting of the Board held on September 20, 1975, which had been mailed to the members and later revised to reflect suggested changes, were presented by the Chairman. Upon asking for objections and hearing none, Chairman Edds ruled their unanimous adoption.

In accordance with previous action of the Board, information pertaining to all items on the agenda had been mailed by the President to the members.

The next item on the agenda was a report from the special ad hoc committee appointed by Chairman Edds to study and review the recommended policy on faculty tenure which had been presented by the President to the Board at the special meeting on September 20. In preliminary remarks by Regent Embry, chairman of the committee--

the other members being Regent Buckman, Regent Clark, Dr. James L. Davis and Dr. Delbert Hayden (the latter two members being co-chairmen of the University Committee on Faculty Tenure)--he reviewed the procedure that had been followed by the committee in its meeting on Wednesday evening, October 22, which was attended by eleven of the twelve additional members of the Committee on Faculty Tenure upon invitation. Also present at that meeting was Dr. Paul Oberst, a member of the College of Law faculty at the University of Kentucky, who was invited because of his expertise in the fields of academic freedom and tenure. After further comments, Dr. Embry presented the recommendations of the ad hoc committee as reflected in the policy statement which follows:

Recommendations by Special Committee on Faculty Tenure
with Suggested Revisions by Special Ad Hoc Committee

I. Introduction

1. Tenure is a means to achieve such goals as:
 - a. Freedom of teaching and research (for the University's statement on academic freedom, see the current edition of the Faculty & Staff Handbook)
 - b. A sufficient degree of economic security to make the profession attractive to men and women of ability
 - c. Institutional continuity and stability through a substantial contingent of faculty with long-range commitment to Western Kentucky University
2. The development and retention of an increasingly competent faculty is an objective of Western Kentucky University to which tenure makes a significant contribution. While length of service determines one's eligibility to be recommended for tenure, tenure will be granted only to those faculty members with the rank of Assistant Professor or above at Western who have attained the educational qualifications specified for the positions they hold and who demonstrate outstanding performance in ably carrying out their professional responsibilities during the probationary period.

II. Faculty Tenure Appointment Policy

1. Decisions concerning tenure will be based on performance in the following categories: instructional activities, other scholarly activities, and service to and for the University. It is understood that the faculty member should cooperate in working with colleagues in carrying out the University's educational mission. The following general statements will serve as guidelines for evaluating the faculty member's performance in assigned responsibilities.

The evaluation of instructional performance considers factors including knowledge of subject matter, teaching effectiveness, student advisement, and curriculum development.

The evaluation of other scholarly activities considers factors including the individual's activities and achievements in areas such as research, publications, program participation at professional meetings, creative activity, and work toward a terminal degree (if the degree is a requirement for the position).

The evaluation of service to and for the University considers factors including committee work, student-related activities, and public and community service. Public and community service should be related to the special competencies of the individual and be an extension of the faculty member's role as scholar-teacher.

2. Full-time faculty members appointed to tenurable positions at the rank of Assistant Professor, Associate Professor, or Professor are employed with the understanding that there will be a probationary period. Faculty members appointed at the rank of Instructor are employed on an annual contract and are not eligible for tenure at that rank.

The probationary requirement may be satisfied through full-time faculty service as follows:

- a. Six years as an Assistant Professor or above at Western Kentucky University
- b. Five years at the rank of Assistant Professor or above at Western plus two or more years at the rank of Instructor at Western or two or more years at the rank of Assistant Professor or above at another university or college

The faculty member will be notified of the decision regarding tenure by May 15 of the final probationary year. There will be no extension of the probationary period.

[However, the University may offer annual appointments without tenure thereafter upon its determination that such action is in the best interest of the institution.]

THIS PROVISION TO HAVE BOARD CONSIDERATION

3. At the discretion of the University, newly established positions or positions becoming vacant through retirement or resignation may be designated as contingency positions not leading to tenure. Years of service in such positions may be considered toward tenure only when the faculty member is transferred to a tenurable faculty position.
4. A recommendation concerning tenure is made by the department head (or heads in case of joint appointments). The department head's recommendation ~~will~~ ^{shall} be forwarded to the college dean after the department head has given each tenured faculty member of the department an opportunity to submit written advisory opinions to accompany the tenure recommendation. The academic dean ~~will~~ ^{shall} submit a recommendation to the Vice-President for Academic Affairs. The Vice-President for Academic Affairs has the responsibility for making a recommendation to the President, who is responsible for submitting a recommendation to the Board of Regents for final consideration.
5. An appointment during the probationary period is for one year. A faculty member being appointed by Western Kentucky University is not assured of employment after the initial term of appointment. The faculty member will be notified by March 1 if the faculty member is not to be reappointed for the second year. The faculty member will be notified by December 15 of the second annual appointment if the faculty member is not to be reappointed for a third year. Thereafter, the faculty member will be notified by ~~November 1~~ ^{October 1} if the faculty member is not to be reappointed for the following year.
6. Employment after age 65 will be on an annual contract with tenure no longer being in effect.
7. Any tenured appointment made other than as provided above shall require written justification showing that such action ~~will~~ ^{follow} serve the best interest of an academic program or programs and shall be ~~based upon~~ ^{follow} the established recommendation procedure as stated in II. 4.

III. Advisory Committee on Faculty Continuance

PART III IN ENTIRETY TO HAVE BOARD CONSIDERATION

The President is authorized to establish and appoint, within the University, an Advisory Committee on Faculty Continuance. Its function and duties shall be those outlined in the Procedure for Review of Non-Reappointment and the Procedure for Dismissal (see sections IV and V).

The Committee shall be a standing committee and shall consist of five (5) tenured faculty members assigned to full time teaching, research, or academic service duties other than the Faculty Regent, and two (2) members of the Administrative Staff other than the Academic Vice-President, a College Dean, Associate Dean, Assistant Dean, Department Head, or Academic Director.

A faculty member of the Committee shall not participate in a case involving a faculty member from the same Department. Accordingly, the President may designate from the list of eligible nominees a sufficient number of alternates to assure full committee membership consideration of cases. The Committee shall designate as chairman one of the tenured teaching and research faculty appointees.

Faculty members shall be appointed by the President from a list of eligible tenured nominees selected as follows:

- a. Every two years, each Academic Department shall elect one eligible faculty member;
- b. Nominees shall be elected by secret ballot by all members of the faculty unit holding academic rank as defined in the Faculty & Staff Handbook;
- c. The election of nominees shall be conducted under rules and procedures developed by the Rules Committee of the Academic Council; and
- d. Persons elected as nominees eligible for appointment shall remain on the eligible list for a period of two academic years, and may be re-elected.

IV. Procedure for Review of Non-Reappointment

Each appointment of a faculty member during the probationary period continues only for the limited term specified in the appointment document. There is no obligation to appoint for another such term. Each such appointment terminates without further action on the expiration date specified in the appointment document, unless renewed.

If a decision is made not to reappoint a faculty member upon expiration of any appointment during the probationary period, the President shall provide the affected faculty member official written notice of the decision, as follows:

- a. By March 1 of the first appointment;
- b. By December 15 of the second appointment; and
- c. Thereafter, by ~~November 1~~ ^{October 1}.

The appointing authorities are not obligated to furnish a written statement or oral statements of reasons for the decision not to reappoint a faculty member for another term during the probationary period; however, the affected faculty member may request a conference with the Department Head and Dean of the College and Academic Vice-President and President to discuss the decision not to reappoint.

Above paragraph to be revised as per President Downing's recommendation to the Board of October 10, SUBJECT TO BOARD CONSIDERATION:

"The University is not obligated to furnish a statement of reasons for the decision not to reappoint a faculty member for another term during the probationary period, and it is the policy of the University not to furnish a written statement of reasons for such a decision. However, it is the policy of the University that, upon request of the faculty member, the Department Head and Dean of the College and Academic Vice President will arrange a conference with the faculty member to discuss informally the circumstances surrounding the nonreappointment. If this conference fails to satisfy the faculty member, the President will have a related conference with the faculty member upon request."

If a faculty member on non-tenured appointment has received official notice of a decision not to reappoint the faculty member and has factual information as grounds upon which it is claimed that the decision not to reappoint was arbitrary or capricious or was based on considerations that violate constitutionally protected rights or interest (e.g., consideration of race, sex, national origin, exercise of free speech, association, etc.), a complaint may be filed with the Head of the Department or office to which the faculty member is assigned.

The complaint shall be in writing and be filed within ~~ten (10)~~ ^{thirty (30)} days after receipt of official notice of non-reappointment. It shall be accompanied by a written, signed statement that the faculty member agrees that the authorities who made the decision may present information in support of the decision for the purpose of confidential consideration by members of the Advisory Committee on Faculty Continuance in the event the complaint is referred to it.

The President may cause the complaint to be set for formal evidentiary hearing. As an alternative, the President may refer the complaint to the Advisory Committee on Faculty Continuance for preliminary inquiry, consultation, and its reasoned advice and recommendation. The Committee will seek to settle the matter by informal methods. A genuine effort will be made to resolve the matter by preliminary inquiry, consultation, discussion, and confidential mediation.

If the difficulty is unresolved informally within three weeks from the receipt of the complaint, the Committee shall furnish the President with a written report containing its advice and recommendation as to whether or not the President should cause the matter to be set for formal evidentiary hearing. The report shall include a statement of the Committee's specific reasons in support of its advice and recommendation.

If the matter is set for formal evidentiary hearing, it shall be ~~in the manner provided for dismissal for cause, except that the~~ ^{by an ad hoc committee,} ~~the~~ faculty member making the complaint herein is responsible for stating the specific grounds upon which the allegation is based and the burden of proof shall rest upon the complainant.

V. Procedure For Dismissal

A faculty member who has tenure or an unexpired probationary appointment may be dismissed only for cause. Statutory cause sufficient to support dismissal consists of incompetency, neglect of or refusal to perform duties, or immoral conduct. Under the provisions of Kentucky Revised Statutes 164.360, Board of Regents' proceedings for dismissal of a faculty member can be initiated only upon written charges preferred by the President and shall be decided upon in the manner provided therein.

In any case in which the President of the University has personal knowledge of information sufficient to make an informed judgement that a faculty member should be dismissed for cause, after informal notification of the faculty member involved, charges may be brought without further consultation as provided by Kentucky Revised Statutes 164.360 (3).

Any member of the University Community other than the President who desires to initiate charges in support of a proposed dismissal of a faculty member shall initiate the proposed dismissal with the Head of the Department or office to which the faculty member is assigned. The proposed dismissal shall be in the form of a written signed statement of the facts relied upon to support one or more of the statutory grounds for the proposed dismissal.

After informal notification of the faculty member involved, the Department Head shall evaluate the proposal and submit a written recommendation to the Dean of the College. The Dean of the College shall make an independent evaluation of the proposal and submit a written recommendation to the Vice-President for Academic

Affairs. The Vice-President for Academic Affairs shall make an independent evaluation and submit a written recommendation together with the entire file to the President of the University.

If the President of the University determines that dismissal for cause charges should be brought, charges shall be preferred as provided herein.

If the President of the University determines that additional information is needed in order to make an informed judgement as to whether or not to file charges, the file may be referred to the Advisory Committee on Faculty Continuance for preliminary inquiry, consultation, and its reasoned advice and recommendation.

A genuine effort will be made by the Committee to resolve the entire matter by informal methods of preliminary inquiry, consultation, discussion, and confidential mediation. If the difficulty is unresolved informally within three weeks after receipt of the file, the Committee shall furnish the President with a written report containing its advice and recommendation as to whether or not the President should prefer charges of cause for dismissal. The report shall contain a statement of the Committee's specific reasons in support of its advice and recommendation.

In any case in which the President decides that procedures for dismissal for cause are appropriate, the President shall forward to the Board of Regents a written recommendation of dismissal. The President's letter to the Board of Regents recommending dismissal is to be accompanied by a formal written complaint setting forth specifically the nature of the factual information constituting grounds for dismissal. A copy of the complaint will be sent to the faculty member who is being charged. In transmitting a copy of the complaint to the faculty member being charged, the President shall advise the faculty member of the following ~~rights~~:

- a. That the attached charges have been preferred against the faculty member to the Board of Regents;
- b. That a written answer to the charges is required to be filed with the Secretary of the Board of Regents;
- c. That the faculty member's answer to the charges may be either an admission or a denial of the charges; and
- d. That the faculty member has a right to be heard by the Board of Regents and to present testimony personally or through counsel.

If the charged faculty member fails or refuses to file the required written answer to the charge with the Secretary of the Board of Regents within ten (10) days after receipt of notice of the charges, or if the faculty member's answer admits the charges, proceedings will terminate and an order of dismissal entered.

If a faculty member being charged files an answer denying the charges, a hearing by the Board will be set and heard at a designated place, time, and date, but not sooner than three weeks after written notice of the charges has been received by the faculty member.

The proceedings at the hearing shall be transcribed and permanent record kept of the charges, notices, and other actions.

The proceedings are not governed by formal, legal rules of procedure and evidence. The Board may consider any information of a kind that has probative value. The following agenda will be maintained:

- a. Entry of appearances of the parties and witnesses;
- b. Statement of charges by counsel for the University;
- c. Entry of the faculty member's denial of the charges;

- d. Presentation of evidence by the President or a designated representative;
 - e. An opportunity for the faculty member or counsel to present evidence refuting the charges;
 - f. A summation or statement on behalf of the University by the President or a designated representative or counsel; and
 - g. A summation or statement by the charged faculty member or counsel;
 - h. Decision and vote in executive session by the Board of Regents:
 1. Exonerating faculty member, or
 2. Approving the President's recommendations to dismiss faculty member, or
 3. Other appropriate sanctions.
- If the Board of Regents ~~approves the President's recommendation to dismiss the~~ ^{decides to apply sanctions,} ~~faculty member,~~ ^{notification,} the President shall issue a formal letter of ~~dismissal and notify~~ ^{shall advise} the appropriate officials of the University.

VI. Termination

A tenured appointment of a faculty member results in a commitment to successively reappoint the faculty member, except that a tenured faculty member may be terminated:

1. By retirement upon attainment of retirement age and otherwise qualifying therefor;
2. By resignation and acceptance thereof;
3. By a dismissal for cause;
4. By a decision of the Board of Regents that termination is necessary due to changed academic program needs resulting in a situation so that there is no longer a teaching position available within the University for which the faculty member is qualified; or,
5. By a decision of the Board of Regents that termination is necessary because of financial exigencies of the institution.

The term of a faculty appointment for one year may be terminated prior to the stated expiration date:

1. By resignation and acceptance thereof: or
2. By dismissal for cause.

Causes for dismissal ~~are~~ ^{are} specified in Kentucky Revised Statutes 164.360 ~~and include~~ ^{and include} ~~incompetence, neglect of or refusal to perform duties, or immoral conduct.~~

VII. Procedure for Termination Due to Financial Exigency

The Board of Regents has a paramount statutory duty to the people of Kentucky to maintain a qualify educational program, but within the means of available financial resources as determined by the Council on Public Higher Education, the Governor, and the General Assembly. Accordingly, determination of the existence of financial exigency requiring economy measures is a prerogative reserved for the Board and will not be delegated.

However, the Board is fully aware of the fact that adjustments to financial crisis that include lay-off or termination of tenured faculty members is a matter of gravity and requires deliberate and thoroughly considered balancing of the public and private interests. Misunderstandings and disputes in such situations tend to dissipate the purpose, spirit, and academic climate of the institution, and to increase costs in

time and money. Therefore, the Board of Regents will exercise its prerogative to terminate tenured appointments because of financial exigency only under severe conditions, and after a determination that alternative economy measures to maintain a quality education program are not feasible under the prevailing circumstances.

Determination that a financial exigency exists of sufficient severity to require lay-offs and terminations will be made by the Board upon the basis of a thorough analysis of institutional needs and requirements, and available fiscal resources especially prepared by the President. THIS PROVISION TO HAVE BOARD CONSIDERATION.

In making specific recommendations for termination of individual tenured faculty appointments required by financial exigency, the President shall take into account the following equitable considerations:

1. If funded vacancies exist, reasonable effort will be made to offer the tenured faculty member concerned another existing position within the institution for which the tenured faculty member is qualified by education and experience; and
2. In the event of the termination of a tenured faculty member that faculty member will not be replaced:
 - a. For a period of two years by another person of comparable qualifications at the same or higher salary without first offering reinstatement to the terminated tenured faculty member and allowing a reasonable time for acceptance;
 - b. By another person at a reduced level of compensation without first having offered the opportunity to continue at the reduced compensation to the tenured faculty member concerned and allowing a reasonable time for acceptance.
3. In the event of decisions to terminate faculty as a result of financial exigency, unless serious program distortion would result, tenured faculty members will have preference of retention over non-tenured faculty members. The following sequence will be observed:
 - a. Tenured faculty of superior academic rank would have preference of retention over tenured faculty of lesser rank.
 - b. A faculty member who has attained tenure prior to another faculty member of the same rank would have preference of retention over the latter faculty member.
 - c. If tenure and rank considerations are the same for two faculty members, i. e., they both were tenured on the same date and were promoted to their current rank on the same date, the faculty member with the longer period of employment with Western would have retention preference.

The President shall send to each tenured faculty member recommended for termination because of financial exigency a written notice of the Board's initial decision to make such termination. The notice shall include:

1. A statement of the basis for the initial decision to terminate tenured faculty members;
2. A description of the manner in which the decision to terminate this particular tenured faculty member was made; and,
3. A statement that the tenured faculty member will be provided an opportunity to have the particular decision affecting the faculty member reconsidered by the President with the advice of the Advisory Committee on Faculty Continuance.

The President shall also provide for disclosure to each such tenured faculty member and to the Advisory Committee on Faculty Continuance information and data upon

which the institution based its initial decision that financial exigency required termination of tenured faculty member.

A tenured faculty member who receives official notice of termination because of financial exigency may secure reconsideration of the decision by filing a request with the President within ~~fourteen (14)~~ ^{thirty (30)} days after receipt of notice.

A request shall be in writing and state facts that, if proved, would show that, given the chain of decisions which preceded the ultimate decision designating that tenured faculty member by name for termination, the ultimate decision was nevertheless arbitrary, capricious, or unreasonable.

The President shall refer the request to the Advisory Committee on Faculty Continuance for its reasoned advice and recommendation.

The Advisory Committee on Faculty Continuance shall proceed to consider the information furnished by the President to the tenured faculty member, and provide the tenured faculty member an opportunity to furnish it written information or statements tending to prove the accuracy and correctness of the facts stated in the request.

A genuine effort will be made to resolve the entire matter by informal methods of preliminary inquiry, consultation, discussion, and confidential mediation. No formal evidentiary hearing of an adversary nature will be conducted on such a complaint. If the difficulty is not resolved within three weeks, the Committee shall submit to the President a written report containing its advice and recommendation with a supporting statement of its specific reasons. ~~After consideration of the report, the President shall make a decision which shall be final.~~ ^{After consideration of the report, recommendation to the Board.}

VIII. Procedure for Termination or Lay-off Due to Changing Program Needs

As in the case of the determination of the existence of financial exigency, the Board of Regents is also aware that adjustments to program need changes require deliberate and thoughtful planning and discussion. Therefore, the Board of Regents will terminate tenured faculty appointments because of program need change only after a determination that such changes are necessary and desirable.

In making specific recommendations for termination of individual tenured faculty appointments required by changing program needs, the President shall take into account the following considerations:

1. If funded vacancies exist, reasonable effort will be made to offer the tenured faculty member concerned another existing position within the institution for which the tenured faculty member is qualified by education and experience; and
2. In the event of the termination of a tenured faculty member that faculty member will not be replaced:
 - a. For a period of two years by another person of comparable qualifications at the same or higher salary without first offering reinstatement to the terminated tenured faculty member and allowing a reasonable time for acceptance;
 - b. By another person at a reduced level of compensation without first having offered the opportunity to continue at the reduced compensation to the tenured faculty member concerned and allowing a reasonable time for acceptance.
3. In the event of decisions to terminate faculty as a result of changing program needs, unless serious program distortion would result, tenured faculty members will have preference of retention over non-tenured faculty members. The following sequence will be observed:
 - a. Tenured faculty of superior academic rank would have preference of retention over tenured faculty of lesser rank.

- b. A faculty member who had attained tenure prior to another faculty member of the same rank would have preference of retention over the latter faculty member.
 - c. If tenure and rank considerations are the same for two faculty members, i. e., they both were tenured on the same date and were promoted to their current rank on the same date, the faculty member with the longer period of employment with Western would have retention preference.
4. Tenured faculty shall be given notification of one year beyond the date on the face of the current contract.

The President shall send to each tenured faculty member recommended for termination because of program need change notice of the Board's decision to terminate. The notice shall include a statement that the tenured faculty member will be provided an opportunity to have the particular decision affecting the tenured faculty member reconsidered by the President with the advice of the Advisory Committee on Faculty Continuance.

The President shall also provide for disclosure to each such tenured faculty member and to the Advisory Committee on Faculty Continuance information and data upon which the institution based its initial decision that changed program needs required termination of tenured faculty members.

A tenured faculty member who receives official notice of termination because of changed program needs may secure reconsideration of the decision by filing a request with the President within ~~fourteen (14)~~ ^{thirty (30)} days after receipt of notice.

The request shall be in writing and state facts that, if proved, would show that, given the chain of decisions which preceded the ultimate decision designating that tenured faculty member by name for termination, the ultimate decision was nevertheless arbitrary, capricious, or unreasonable.

The President shall refer the request to the Advisory Committee on Faculty Continuance for its reasoned advice and recommendation.

The Advisory Committee on Faculty Continuance shall proceed to consider the information furnished by the President to the tenured faculty member, and provide the tenured faculty member an opportunity to furnish it written information or statements tending to prove the accuracy and correctness of the facts stated in the request.

A genuine effort will be made to resolve the entire matter by informal methods or preliminary inquiry, consultation, discussion, and confidential mediation. No formal evidentiary hearing of an adversary nature will be conducted on such a request. If the difficulty is not resolved within three weeks, the Committee shall submit to the President a written report containing its advice and recommendation with a supporting statement of its specific reasons. After consideration of the report, the President shall make a ~~decision which shall be final~~ ^{recommendation to the Board}.

In recommending the above changes, Dr. Embry proposed discussion by the Board relative to the provisions identified as Section II, part 2, final paragraph; Section III in entirety; Section IV, revised paragraph 3 as recommended by the President and concurred in by the ad hoc committee; and Section VII, paragraph 3. It was the unanimous request of the Board, however, that Dr. Embry and his committee, together with the co-chairmen of the University Committee on Faculty Tenure, continue their study of the points in question and submit their recommendations to the Board at the January 31, 1976, meeting. It was also agreed that the specific recommendations

of the President as outlined in the minutes of the September 20 meeting of the Board relative to the timetable for implementation of the revised tenure policy subject to those provisions which require further study be approved.

After full discussion, Dr. Embry moved approval of the tenure policy reflecting the changes as recommended by the special ad hoc committee but excluding the provisions identified as Section II, part 2, final paragraph; Section III; Section IV, revised paragraph 3; and Section VII, paragraph 3, to be given further study, with the final report being presented at the January 31 meeting of the Board. The motion was seconded by Dr. Buckman; and there being no further discussion, the roll call vote was as follows:

Aye: Buckman, Clark, Cole, Edds, Embry, Henry, McCormack, Poland, Ramsey, Ross

Nay: None

The following proposals from the Academic Council, which has been endorsed by the Vice President for Academic Affairs and Dean of the Faculties and recommended by him to the President, were recommended by the President to the Board. The report follows:

1. Proposed Area of Concentration in Broadcast Engineering Technology. The Department of Engineering Technology proposes this area of concentration to provide students with the technical preparation necessary for job entry in radio or television engineering. Consistent student requests and requests for trained manpower from industry sources led the Department of Engineering Technology to conduct a careful survey and analysis which resulted in this recommendation. Primarily the program of courses proposed includes an interdisciplinary approach utilizing courses from the Department of Engineering Technology and the Department of Mass Communications. In addition to the University's internal review, the program has been reviewed by industry leaders. The proposed program relies principally on existing courses and faculty; however, it will require four new courses and utilization of special part-time faculty.

2. Proposed Major in Journalism. The Department of Mass Communications requests approval of an upgrading of the existing journalism emphasis in Mass Communications to provide a professional major in journalism. The proposed program has been developed in consultation with professionals in the field of journalism and in keeping with the guidelines of the professional journalism accrediting agency. This will involve a restyling of existing courses and sequences and will be accomplished within existing resources.

3. Proposed Major in Hotel and Motel Management. The Department of Home Economics and Family Living requests approval for a major in Hotel and Motel Management. The proposed program has been reviewed and endorsed by academic consultants and industry representatives. The growth of tourism as an important industry in the Commonwealth and the optimistic projection of future employment indicators for this field should provide good employment opportunities for graduates of this program. The proposed program has been developed utilizing existing courses in institutional administration and in business administration and will not require additional resources for implementation.

4. Proposed Revision in the Transfer of Graduate Credits. The Academic Council has approved a recommendation from the Graduate Council changing the number of hours of graduate credit which may be transferred on a degree program at Western from six semester hours to twelve semester hours. This regulation would go into effect immediately and would be of importance to a number of our graduate students who have pursued twelve or more hours of graduate work at another institution. This specific regulation would then read as follows:

- a. The course work was taken for graduate credit at an accredited institution.
- b. The course grade is A or B.
- c. The course work does not exceed the five-year time limit for the master's degree or the four-year time limit for the specialist's degree.
- d. The hours are appropriate to the degree program being pursued. The student's graduate advisory committee determines appropriateness of transfer work for meeting degree requirements, and the request for transfer is approved by the Graduate Dean.

Following discussion and upon the President's recommendation, Mr. Ramsey moved approval of the proposals outlined above. The motion was seconded by Mr. Ross, and the roll call vote follows:

Aye: Buckman, Clark, Cole, Edds, Embry, Henry, McCormack, Poland, Ramsey, Ross

Nay: None

Personnel changes subsequent to the meeting of the Board on September 20, 1975, were presented by the Chairman. Upon the President's recommendation, a motion for approval of the changes was made by Mr. Ramsey and seconded by Mr. Ross. The list follows:

NEW FACULTY

<u>Name</u>	<u>Salary</u>	<u>Effective Date and Remarks</u>
<u>College of Education</u>		
Jones-Jaggers Laboratory School:		
Mr. Jacques Benninga	\$12,400	1/1/76; Instructor; Assistant Professor upon receipt of doctorate with salary of \$13,000; replaces Miss Kay Cunningham
<u>Ogden College of Science and Technology</u>		
Agriculture:		
Dr. Robert M. Schneider	17,700	1/1/76; Associate Professor; replaces Dr. Ted Zimmer

FACULTY AND/OR STAFF REAPPOINTMENT

<u>Name</u>	<u>Salary</u>	<u>Effective Date and Remarks</u>
<u>Bowling Green College of Business and Public Affairs</u>		
Government:		
Dr. George S. Masannat	\$24,000	11/1/75; Promote from: Acting Head to Head of the Department
<u>College of Education</u>		
Elementary Education:		
Mrs. Patricia Shanahan	2,520	Second bi-term of 1975 fall semester; supervisor of student teachers
Teacher Corps:		
Dr. Julia L. Roberts	833 per month	8/16/75-5/31/76; half-time appointment as Assistant to the Director and Trainer in the Teacher Corps, a Federally funded project
<u>Potter College of Arts and Humanities</u>		
Office of the Dean:		
Mrs. Nelda B. Steen	6,720	10/1/75; promote to principal secretary

NEW STAFF

<u>College of Education</u>		
WKU-UT Leadership Development Program:		
Mrs. Patty Rose Thomas	490 per month	8/19/75-10/31/75; Program Coordinator; replaces Mrs. Dinah Eder

NEW SECRETARIAL AND CLERICAL STAFF

<u>College of Applied Arts and Health</u>		
Office of the Dean:		
Mrs. Cynthia Smith Breit	5,280	9/25/75; secretary; replaces Mrs. Debra Spears
<u>Potter College of Arts and Humanities</u>		
Music:		
Mrs. Geraldine D. Combs	4,840	8/29/75; secretary; 11-months basis; replaces Mrs. Helen Almond
<u>Administrative Affairs</u>		
Health Services:		
Mrs. Deborah Jo Porter	4,840	9/25/75; medical secretary; 11-months basis; replaces Mrs. Joyce Dunn

NEW SECRETARIAL AND CLERICAL STAFF

(continued)

<u>Name</u>	<u>Salary</u>	<u>Effective Date and Remarks</u>
<u>Business Affairs</u>		
Accounts and Budgetary Control: Mrs. Jennifer L. Stephenson	\$ 5,280	9/15/75; General Clerk II; supervise accounts receivable and billing of registration for on-campus students who register early and for extended campus students
Physical Plant and Facilities Management:		
Mrs. Jennifer Campbell	5,040	9/22/75; General Clerk II; replaces Mrs. Judith Sherry

LEAVE OF ABSENCE

College of Applied Arts and Health

Health and Safety: Mr. Ray P. Biggerstaff, Jr.		1976-77 school year; pursue doctoral studies at Indiana University
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STAFF RESIGNATIONS

College of Applied Arts and Health

Mrs. Debra Spears		9/23/75; secretary
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Administrative Affairs

University Centers: Mr. John B. Graham		10/15/75; Assistant Director of University Centers
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College of Education

Teacher Corps: Mrs. Freida Gayle Downey		5/30/75; secretary
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Academic Services

Library Services: Mrs. Anne C. Malone		10/3/75; clerical assistant
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Educational Television: Mrs. Sharon Rockhill		10/15/75; administrative secretary
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Computer Center

Mr. Larry McGimsey		10/16/75; systems programmer
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DISABILITY RETIREMENT

Bowling Green College of Business and Public Affairs

Accounting: Mrs. Stella Calhoun		9/8/75; departmental secretary
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After discussion, the roll call vote was as follows:

Aye: Clark, Cole, Edds, Embry, Henry, McCormack, Poland,
Ramsey, Ross

Nay: None

Abstaining: Buckman

In a progress report on developments pertaining to the Campus Master Plan, President Downing made reference to his communication to the Board on October 9 which included (1) background information on the initiation of the long-range Master Plan project in October, 1964, (2) a review of the basic concepts underlying both the original plan and the subsequent revisions and updating in its continued development, and (3) information on the current status of the two major capital construction projects--the Agriculture Exposition Center and the renovation and expansion of the Kentucky Library and Museum--that are included in the 1976-78 Biennial Budget Request. The President then reported that the Executive Department of Finance and Administration had reviewed, accepted, and approved the appraisal made by independent appraisers of the properties located at 1409, 1501, and 1509 Center Street and had entered into a purchase agreement with the property owner at the appraised value of \$163,000. He stated that steps were underway to finalize the acquisition, with the property to be deeded to the Commonwealth of Kentucky for the use and benefit of Western Kentucky University.

Following discussion, Mr. Ross moved acceptance of the President's report on developments pertaining to the Campus Master Plan and on the purchase of the Center Street properties. The motion was seconded by Mr. Poland and carried unanimously.

The next item on the agenda concerned the Annual Financial Report for the 1974-75 fiscal year, the preparation of which under the supervision and direction of the Vice President for Business Affairs was described as being ahead of schedule. It having been determined by Mr. Largen that the completed document would verify a favorable financial condition as of June 30, 1975, in the form of unencumbered fund balances totaling \$756,579, President Downing stated that recognizing such condition at this time would prove helpful in making reasoned judgments for the utilization of these additional resources in the most effective manner. The factors which contributed to the favorable position were outlined in the President's earlier report to the Board. In emphasizing that fund balances are considered "one-shot" funds with no

assurance that they would be continuing resources and should be expended for items that are nonrecurring. Dr. Downing recommended the following allocation of the \$756,579 and his reasoning therefor:

Item 1. Additional Reserve for 1975-76 Operating Budget \$314,075

After receiving the supplemental allocations during the closing months of the 1974-75 fiscal year and at the time the 1975-76 Operating Budget was in preparation, it was generally believed that these allocations would be continued into the 1975-76 year. Subsequent to the approval of the Operating Budget, we were advised by the Council on Public Higher Education and the Executive Department for Finance and Administration that the supplemental allocations which were made in 1974-75 would not be continued. The Governor has indicated that he plans to submit these allocations to the Legislature for their consideration. Based on these developments, it would be prudent to reserve a portion of the fund balance equal to the supplemental allocations in case they are not continued. The amount of \$314,075 is recommended to support the current operating budget until assurance is given that the Governor and the General Assembly have taken a favorable action on this item.

Item 2. Capital Improvements 93,540

- (a) New roof on Central Wing of Science Complex
- (b) Continued development and improvement of outdoor recreational and intramural area on south end of campus and improvements in the parking areas

It has become necessary to replace the roof on the Central Wing of the Science Complex at an estimated cost of \$72,540. It is recommended that funds for this expenditure be allocated from the Fund Balance. It is recommended that the remainder of this amount be utilized in the continuing effort to improve the six-acre tract of land at the south end of the campus so that this area can be developed for recreational and intramural programs and in the improvements in campus parking areas.

Item 3. Additional Allocation to 1975-76 Operating Budget for Capital Outlay 100,000

The academic program areas of the University requested funds for capital outlay items which could not be provided at the time of the development of the Operating Budget. Now that the fiscal year has been closed and the fund balance has solidified, it is recommended that \$100,000 be made available to the colleges and other areas in Academic Affairs.

Item 4. Additional Allocation to 1975-76 Operating Budget for Library Resources 25,000

The amount of funds available for the purchasing of books and literature for the library holdings has remained constant for the past four years. The increase in the cost of library materials has significantly reduced the purchasing power of the library budget. As new degree programs have been added, it has placed an added strain on the library budget to provide the needed support; and it is recommended that \$25,000 be provided for strengthening the library holdings with emphasis on the new program areas.

Item 5. Additional Allocation for Equipment in Environmental Sciences and Technology Building \$ 50,000

The existing budget for movable equipment for the Environmental Sciences and Technology Building is insufficient to provide the equipment needed for the effective utilization of the facility. It is recommended that an additional \$50,000 be reserved for equipment for the Environmental Sciences and Technology Building.

Item 6. Funds for Safety Improvements Required under the Occupational Safety and Health Act 25,000

Public institutions of higher education are included under the provisions of the Occupational Safety and Health Act (OSHA), and the responsibility for compliance has been placed in the Department of Public Safety. The meeting of health and safety standards has been given prime consideration over a long period of time at Western; however, there are additional steps which should be taken as we attempt to comply with OSHA regulations. Based on this rationale, it is recommended that \$25,000 be reserved for this purpose.

Item 7. Purchase of Leased Equipment when shown Cost Effective 148,964

The University is presently renting and leasing a number of pieces of equipment which in some cases a savings could be realized if the equipment was purchased. An illustration is the System/7 Computer currently being rented to monitor the utility consumption on campus. Western could realize a savings in the long run by purchasing this piece of equipment rather than renting it. There are other items of equipment which would provide a savings if purchased, and it is recommended that \$148,964 be reserved for this purpose.

Total Recommended Allocations of Unencumbered Fund Balance \$756,579

Full discussion followed relative to the President's recommendations.

Succinctly summarizing some of the comments, (1) Dr. Buckman expressed regret that availability of the additional funds could not have been determined earlier in the year so that further consideration could have been given to faculty and staff salary increments; (2) Mr. Henry proposed that a portion of the additional funds be invested with the earnings going into scholarships for upperclassmen; (3) Mr. Largen, in response to the President's comments relative to student aid, briefly reviewed the sources of and the amounts of funds available in the various financial aid programs; and (4) Mr. Clark, speaking in support of the President's Item 1 recommendation, questioned the action that will be taken by the Legislature relative to the supplemental allocation, as well as the requested operating appropriation for the coming year, because of their anticipated "big push" for additional funding for public schools at the elementary and secondary levels.

With no action having been taken on an earlier motion by Mr. Clark and seconded by Mr. Ramsey for approval of the President's recommendation, Mr. Cole then moved that President Downing and the appropriate university officials review and give further study to the allocation of the June 30, 1975, unencumbered fund balance in the amount of \$756,579. The motion was seconded by Mr. Ramsey. Dr. McCormack moved, with a second by Mr. Henry, that the motion be amended to provide for the replacement of the roof on the Central Wing of the Kelly Thompson Complex for Science and that the results of the further study for the allocation of the remaining funds be submitted to the Executive Committee for its review. There being no further discussion, the roll call vote for the amendment to the motion was as follows:

Aye: Buckman, Clark, Cole, Edds, Embry, Henry, McCormack,
Poland, Ramsey, Ross

Nay: None

Upon a call of the roll, the vote for the motion as amended was as follows:

Aye: Buckman, Clark, Cole, Edds, Embry, Henry, McCormack,
Poland, Ramsey, Ross

Nay: None

In recommending the adoption of guidelines for the awarding of institutional Continuing Education Units (CEU's), President Downing explained the University's involvement in a great variety of special conferences, workshops, seminars, and other programs of an educational nature for which participants receive no credit and heretofore no accurate or complete accounting had been maintained. He stated that in the adoption of the CEU by the Southern Association of Colleges and Schools, a yardstick for measuring University effort in these types of activities had now been provided with the information to be recorded and reported in terms of institutional CEU's by the Dean of the Bowling Green Community College and Continuing Education. It was further pointed out that such programs could well become a factor in determining the level of University funding. After discussion, Mr. Ramsey moved adoption, with a second by Mr. Ross, of the guidelines which follow:

GUIDELINES FOR THE AWARDING OF
INSTITUTIONAL CEU's

1. For institutional CEU's to be awarded:
 - a. The activity must be of an educational or institutional nature; i. e., it should not be primarily an athletic, entertainment, social, or competitive event.
 - b. The activity must be measurable in terms of its duration and number of participants.
 - c. The activity should be one that can appropriately be sponsored or co-sponsored by some unit of the University.
2. Institutional and individual CEU's are not translatable into degree credits and are not applicable toward degree requirements.
3. Institutional CEU's will be recorded on a composite basis, but individual records will not be kept for institutional CEU's. However, a list of participants should be compiled by the sponsoring unit for such activities and a copy filed in the Office of the Dean of Continuing Education.
4. The awarding of institutional CEU's for an activity must be approved prior to the actual occurrence of the activity.
5. The Dean of Continuing Education, the Assistant to the Dean of Continuing Education, and the Director of the Office of Special Programs shall have the responsibility for interpreting these guidelines and resolving questions as to those activities which qualify for the awarding of institutional CEU's.
6. All offices, departments and/or divisions of the University sponsoring any activities for which institutional CEU's may be awarded should submit a description of such activity in advance to the Office of the Dean, Bowling Green Community College and Continuing Education. Upon completion of the activity, a report, including the number of participants and total hours of the activity, should be filed in the Office of the Dean, Bowling Green Community College and Continuing Education.

There being no further discussion, the motion carried unanimously.

After reviewing the background of the Tech-Aqua Consortium in which Western is one of the four institutions that have been accepted for full membership since its organization in 1970, President Downing recommended renewal of the Tech-Aqua Agreement for a period of three years. Described as a field resource station built with funds from the National Science Foundation for the benefit of students in the field of biology, the President enumerated the added advantages which have accrued to the University and to its students who have enrolled in the program as a direct result of Western's membership in the Consortium. He added that the annual dues of \$2,000 are included in the current budget for the Department of Biology. Following discussion and upon the President's recommendation, Dr. Buckman moved for Western's continued membership in the Tech-Aqua Consortium. The motion was seconded by Mr. Cole and carried unanimously.

The next item on the agenda was the presentation of recommendations relative to the faculty status of Dr. George Dillingham and Dr. Raul Padilla. With the Board of Regents at its September 20 meeting having authorized the President of Western to seek a written opinion of the Attorney General's Office as to whether or not the Board took proper action at its meeting on July 26 in granting tenure to Dr. Dillingham and Dr. Padilla, copies of the response from that office were mailed by the President to members of the Board on October 7, with the original copy being filed with the Secretary as the official record. The summary as taken from that legal opinion follows:

"In summary, it is the opinion of this office that a faculty member of a state university may only be employed or granted tenure upon recommendation of the president of the university; that when employment or tenure is the subject of a motion of the board of regents an affirmative vote of a majority of the board of regents is required to enact; that if the president does not recommend a faculty member for tenure, the board of regents cannot grant tenure to such faculty member, even by a unanimous vote."

Chairman Edds called for the administration's recommendations relative to the faculty status of Dr. Dillingham and Dr. Padilla. President Downing then read the following statement, interjecting comments in conformity with the action taken earlier in the meeting relative to the tenure policy:

RECOMMENDATION ON FACULTY STATUS OF:

- (A) DR. GEORGE DILLINGHAM
- (B) DR. RAUL PADILLA

As I have stated in the memorandum addressed to the Board of Regents on August 1, I feel it is my responsibility following each meeting of the Board of Regents to carry out the actions taken by the Board on a timely basis. This is in the form of initiating programs that have been approved, implementing policies which have been adopted, or effecting personnel changes that have been approved by the Board.

In keeping with this procedure and in attempting to carry out these responsibilities, I initiated what I considered to be appropriate steps in carrying out the actions taken by the Board in the meeting that was held on Saturday, July 26. It was on that basis that I commenced the preparation of the official communications to Dr. George Dillingham and Dr. Raul Padilla, intending to convey the correct and accurate conditions of the faculty status of each of these individuals. During the contemplation of what was to be appropriately incorporated into such an official notification, there arose certain points which were not sufficiently clear, nor did I find a precedent that would provide direction.

In what I considered to be fairness to each of the individuals concerned, as well as to the Board of Regents individually and collectively, I sought the counsel and advice of Mr. William E. Bivin, University Attorney, and Mr. John David Cole in his capacity as an attorney and a member of the Board. They concurred in the belief that there were genuine legal questions that were of sufficient importance to require authoritative and objective clarification. It was for this reason and with full recognition of the importance of this matter as it

potentially affects tenured and nontenured faculty members throughout the University, and I must add with the sincere desire to ensure the protection of everyone concerned, I consulted the Chairman of the Board, requesting directions as to the most desirable means to clarify the questions that had arisen.

Action was taken by the Board of Regents at the meeting on September 20, 1975, authorizing the President to seek the written opinion of the Attorney General as a means of authoritative clarification of these questions. In accordance with that action, I wrote to the Attorney General on September 25 and received the written response from the Office of the Attorney General on October 6, whereupon a copy was immediately sent to each member of the Board of Regents with my memorandum of transmittal.

I have reflected on the events and have reviewed over and over the step-by-step procedures that have brought us to this point. Let me assure you I share with you and others the view that it is an important matter that deserves serious, careful, and fair-minded consideration of each person involved directly or indirectly. Accordingly, I wish to propose a plan in the form of a recommended course of action for your consideration.

The recommendation is made with full recognition of the action taken at the April 26 meeting of the Board of Regents when unanimous approval was given by the Board to my recommendation that the employment of Dr. Dillingham and Dr. Padilla be terminated at the conclusion of this academic year. It further recognizes that the action taken at the July 26 meeting of the Board of Regents on a motion to give tenure to Dr. Dillingham and Dr. Padilla has been clarified through the written opinion of the Office of the Attorney General. I respectfully submit the following recommendation which I am making to you after careful study of all the factors and information at my disposal.

1. It is recommended that the official status of Dr. Dillingham as established by action of the Board of Regents on April 26, 1975, and as described in the letter sent to him on April 29 be revised as follows. It is proposed that he receive a continuing nontenured appointment extending through the 1976-77 academic year. During this period of time, he will be given a reassignment in the area or areas of the University for which his qualifications and his professional interests will enable him to make the greatest contribution. During this two-year nontenured appointment, his eligibility for tenure in the area or areas assigned will be fairly and fully considered in accordance with the tenure policy in effect at the time of his reassignment.
2. It is recommended that the conditions outlined in the letter addressed to Dr. Raul Padilla on April 29, 1975, remain as stated and as approved by the Board of Regents in its April 26 meeting; however, further consideration is to be given to the appeal that Dr. Padilla has made for further review on the earlier action of the Board. The proposed tenure policy provides for a Faculty Committee on Faculty Continuance. If approval is given to this provision in the proposed policy, it is recommended that Dr. Padilla be provided an opportunity to have his appeal referred to the Committee for review and recommendations.

Please permit me now to make some explanation and give the principal points in the rationale for the recommendations I have presented.

1. There are those who have posed the question of due process or the lack thereof as the reason for the present state of affairs. We should be reminded, however, that the President's recommendations for the termination of Dr. Padilla and Dr. Dillingham at the end of this academic year that were approved at the April 26 meeting concurred in the recommendations developed and submitted by the respective Department Heads, Deans, and the Vice President for Academic Affairs. This was done without irregularity and in full accordance with the existing University policies and procedures that were officially adopted and established by the Board of Regents, published in the Faculty-Staff

Handbook, disseminated and communicated to accrediting bodies and professional organizations, and routinely followed as the established and approved procedures for Western Kentucky University over the period of years since its initial adoption. Those procedures are fundamentally fair; however, I would be in agreement with those who contend they do contain some imperfections and defects that need improvement. Recognizing that, I named a representative committee almost a year ago; and, as I have communicated to you in making periodic reports on the work of that committee, they have been working diligently to fashion recommended revisions for the improvement of these procedures.

The recommended revisions that are incorporated in the policy that is now before you for your consideration are designed to bring about the strengthening of our tenure policy. Let me add that I sincerely hope that you approve the revised policy as recommended. If you do, I am confident that after some experience under the revised policy, we will continue to identify other imperfections and defects that will in time need further improvement. I believe, however, that once established, whatever official policies and procedures are in effect at a particular point in time that sound judgment and fair practice indicate that they should be followed faithfully until amended or revised.

2. I recognize the sincerity and appreciate the genuineness with which some members of the Board question the result of the established procedures in the two cases under consideration. It is for this reason that my recommendation calls for the ultimate determination of the employment status of these two faculty members to be made with full benefit of the revised and improved procedures.
3. Even though earlier documentation has been provided, I think it is important that recognition be given to the reason for the necessity to reassign Dr. Dillingham in the area or areas for which he is best qualified and has a professional interest that will enable him to make the maximum contribution.

I am referring to the drastic decline in the enrollment in the field of his specialization in the Department of Secondary Education. The earlier documentation has been more specifically provided with the confirmation of the enrollment in that department for the current semester. In the Fall Semester of 1971, the enrollment in the Social Studies Area of the Department of Secondary Education was 110. Since that time there has been a continuous and constant decline with the 1975 Fall Semester showing an enrollment of 23, or a decrease of 79% over that span. The other faculty in that department with the qualifications required in the area of Social Studies are more than adequate to meet the need, and in every case they are already tenured.

In submitting this recommendation to the Board of Regents, I want to reiterate what I have stated to you previously in assuring you of my continued desire and unqualified commitment to carry out the responsibilities of the position of President to the very best of my ability.

In initiating the lengthy discussion which followed, Dr. Buckman reviewed developments subsequent to July 26 when the Board voted on the tenure status of Dr. Dillingham and Dr. Padilla and questioned certain procedures that had been followed by the administration of Western prior to the official request of the Attorney General's Office for an opinion as to the legality of the Board action taken. Dr. McCormack voiced bitter resentment over a contact by Attorney Bivin with the Attorney General's Office following the July 26 meeting without consulting the Board. He then pointed out the items in the

Attorney General's opinion in which he was in disagreement, after which he produced and had read an opinion sought by him from the local law firm of Bell, Orr, Ayers and Moore. This document, entitled "Memorandum of Law," was in conflict with the AG's opinion as to the legality of the action taken by the Board on July 26 and was fully discussed. The summary as taken from that document follows:

"This memorandum, like the opinion issued by the Attorney General, contains little legal precedent, either statutory or case law, bearing on the questions presented. The opinions expressed herein deal principally with possible interpretations of the Statutes involved and should not be considered conclusive on the issues involved. We feel that our opinion is as logical as that rendered by the Attorney General; however, due to the absence of conclusive legal precedent, it appears the issues will not be finally answered until presented to and resolved by a Court of competent jurisdiction."

Mr. Clark moved acceptance of the President's recommendations on the faculty status of Dr. Dillingham and Dr. Padilla. The motion was seconded by Mr. Cole.

Dr. McCormack then moved that Mr. Clark's motion be tabled. The motion was seconded by Dr. Buckman.

After further discussion, the roll call vote on Dr. McCormack's motion was as follows:

Aye: Buckman, Henry, McCormack

Nay: Clark, Cole, Edds, Embry, Poland, Ramsey, Ross

After further discussion, the roll call vote on Mr. Clark's motion was as follows:

Aye: Clark, Cole, Edds, Poland, Ramsey, Ross

Nay: Buckman, Embry, Henry, McCormack

In comments following the action taken, (1) Dr. McCormack stated for the record, "I think these two members of the faculty, Dr. Padilla and Dr. Dillingham, have been shafted"; (2) Dr. Buckman, in assuming that the heads of the department to which the two individuals might be assigned would have valid votes in the upcoming faculty evaluation as to whether or not they should have tenure, suggested that the President's recommendations to the Board be attached to such evaluative forms; and (3) President Downing gave assurance to both Dr. Dillingham and Dr. Padilla that the matter concerning their faculty status would be handled in a professional and "completely unbiased" way and in a manner that would be fair and consistent and in accordance with the policy as established by the Board for this procedure.

Upon the recommendation of Mr. Cole, the following persons were named to serve with him and Attorney Bivin as a committee in the drafting of bylaws to be presented to the Board for its consideration at the January 31 meeting: Dr. Randall Capps, Mr. Stephen Henry, and Dr. Chalmer Embry.

Under other business, the President made the following report:

"In speaking to the faculty and staff at the convocation on August 22, I made reference to the appointment of certain committees that are being asked to study selected matters of importance to the University. In keeping with the comments made on that occasion, a university-wide committee was appointed on September 10 and asked to initiate a study of the ways and means through which members of the faculty participate in the development and formulation of academic policy recommendations and to identify alternatives by which faculty members may effectively express their reasoned recommendations and advice and to recommend a plan for achieving the objectives of more effective participation and improved communications. Dr. Delbert Hayden, who is chairman of the Faculty Affairs Committee of the Academic Council, and Dr. James Davis, Dean of Faculty Programs, were appointed as cochairmen of this special committee, and I have been advised that the work of the committee is well under way.

"As you may recall, I also made reference to the plans that were under way for the establishment of the organizational structure through which the University could give focused systematic attention to long-range comprehensive institutional planning. We are currently engaged in the refinement of the plan which will include the establishment of a University Task Force on Institutional Planning. Dr. J. T. Sandefur has been asked to serve as the chairman of the University Task Force on Institutional Planning, and the organizational structure is being developed in accordance with the format adopted by the Council on Public Higher Education. The basic organizational structure for the University Task Force on Institutional Planning is currently being developed with the basic structure designed according to the attached organizational chart. In the initial phase of this process, prime consideration will be given to the basic components or areas in which special subcommittees of the task force will be appointed. These will be the subcommittee on academic planning, the subcommittee on fiscal planning, and the subcommittee on facilities planning. As the planning process develops, it will be necessary to integrate into the organizational structure of the plan other elements such as support services, student services, and other aspects of the University.

"It is obvious that this endeavor is of utmost importance in the life of the University, and one of the goals for which we will be working will be the development of a comprehensive, sound long-range institutional plan that we hope to submit to the Board of Regents for your consideration by July, 1976. The planning format will be in accordance with the statewide plan adopted by the Council on Public Higher Education and issued by the Council to each of the eight institutions of public higher education."

(Secretary's note: The organizational chart to which the President made reference is not included in these minutes but is being retained as a part of the official file.)

Following preliminary comments and reference to suggestions contained in a Southern Association visitation report in March, 1973, Dr. Buckman moved that the administration and faculty proceed with deliberate speed in the establishment of a Faculty Senate for the purpose of representing the viewpoint of the teaching faculty in an advisory capacity. The motion was seconded by Dr. McCormack.

In the discussion which followed, Dr. Downing stated that inasmuch as the university-wide committee referred to earlier was now concentrating its efforts on a study and subsequent recommendations for the strengthening of faculty participation at the University level, the establishment of a Faculty Senate at this point in his judgment would be untimely. He called upon Dr. Davis, cochairman of that special committee, who concurred in the President's thinking. Dr. Davis then reported on the progress being made by the committee in the accomplishment of the same objective as desired by Dr. Buckman, adding that the establishment of a Faculty Senate could possibly be recommended. After further discussion, Dr. Davis and his committee were instructed to make their report to the President for presentation to the Board at the January meeting.

Distribution was made of a comprehensive plan for the upcoming evaluation of personnel of the University. The plan, which had been unanimously approved by the Executive Committee at its meeting earlier in the day, follows:

WESTERN KENTUCKY UNIVERSITY

A Plan for Evaluation Guidelines and Procedures

I. Introduction

Although formal evaluations of faculty, administrators, and staff of Western Kentucky University have been conducted for several years, they have varied both in content and procedure. In recognition of the need for consistency and uniformity in the evaluative function, the following plan has been developed by appropriate administrative and faculty groups. The plan will, when implemented in its entirety, provide a comprehensive system for the evaluation of personnel.

It should be noted that following the meeting of the Board of Regents on July 26, 1975, the President requested a compilation of reports on previously administered evaluations and submitted those reports to the Board of Regents. Moreover, he instructed the vice presidents to prepare for him a list of all university personnel to be evaluated and a plan, including instrumentation and procedures, that would effectively provide for an evaluation system for their administrative area of responsibility. It can be noted from these reports that most university personnel have been formally evaluated. Those in administrative and supervisory levels who have not been formally evaluated have been evaluated informally for purposes of salary increments and promotions. Skilled and unskilled personnel such as those in Food Services and the Physical Plant have been informally rated through conferences with their supervisors.

It can be further noted from the reports that there are diverse responsibilities and performance requirements of personnel in the areas of Academic, Administrative, and Business Affairs that prevent the development of a standardized evaluative instrument that can be applied across the University. Consequently, the University plan presented herein prescribes a different instrument for each of the three areas mentioned above.

II. The Basic Purposes for Evaluation

The primary purpose of any evaluation procedure should be the improvement of performance; whether that performance be administrative, instructional, managerial, or clerical. The basic approach to evaluation should be positive and helpful rather than punitive. Evaluation is an appraisal of performance; and if that appraisal is to be valid, it must come from those in a position to make objective and informed judgments. Finally, the instrumentation used must collect valid, objective, and quantifiable data.

A rationale for evaluation must point out the essential need for maintaining security of the information. Confidentiality and professional integrity must be maintained throughout the entire process with distribution and utilization of results clearly understood by all involved.

III. Guidelines for Implementation

The Guidelines for Implementation clearly specify (1) the personnel subject to evaluation, (2) the instrumentation to be used, (3) the procedures employed, (4) statistical treatment employed, (5) time lines, and (6) utilization of results.

A. Personnel Subject to Evaluation

1. The President of the University and his immediate assistants within his office.
2. The Administrative Vice President, his directors, and their subordinates.
3. The Vice President for Business Affairs and his subordinates.
4. The Vice President for Academic Affairs and his immediate staff:
 - a. Academic Deans
 - b. Associate and Assistant Deans
 - c. Directors and Coordinators of Academic Areas
 - d. Department Heads
 - e. Faculty

B. Evaluative Instrumentation

There are three primary evaluative instruments: (1) The Western Kentucky Personnel Forms 17 and 20, (2) the Administrative Affairs Evaluative form designed and prepared by personnel from the Administrative Affairs area, and (3) a series of four instruments prepared by personnel from Academic Affairs.

1. Western Kentucky Personnel Form 17. Form 17 has been designed for employees who are non-exempt under the Wage and Hour Law and subject to a uniform rating system. This form requires appraisal on seven areas of competence including job knowledge, quality of work, cooperation, responsibility, initiative, quantity of work, and dependability. A numerical scale is employed utilizing a range from 1 through 15. The form will be used in the Business Affairs Office and the Office of the Assistant to the President and Director of the Budget for all non-managerial personnel. Form 17 has been attached as Appendix A.

Western Kentucky University Personnel Form 20 has been designed to appraise performance of non-instructional managerial personnel. It provides for written comments plus performance ratings. Form 20 will be used for managerial personnel in the Business Office and the Office of the Assistant to the President and Director of the Budget. It has been attached as Appendix B.

2. The Administrative Affairs Evaluation Form prepared by personnel from that area requires appraisal in 10 areas: job knowledge, judgment, organizing ability, attitude, dependability, creativity, dealing with people, delegation, leadership, and personal efficiency. The form utilizes a five point quantifiable scale and has been attached as Appendix C.
3. Academic Affairs Evaluative Instruments. Personnel from the Academic Affairs area designed four evaluative instruments designed to evaluate the President and his assistants, the vice president and his assistants, the academic deans and their assistants, and the department heads. The administrative evaluation forms have been directed at specific administrative posts and request appraisal of the individual's effectiveness in approximately 20 areas. In addition, written comments have been requested. The specific forms have been attached as follows: Administrative Evaluation: President, Appendix D; Administrative Evaluation: Vice President, Appendix E; Administrative Evaluation: College Dean, Appendix F; Administrative Evaluation: Department Head, Appendix G.

The instrument designed for the department head to evaluate the faculty and the dean to evaluate department heads, directors, and coordinators is the conventional nine-point scale that has been used at the University in the past. The scale requires appraisal on teaching effectiveness, knowledge of subject matter, relations with colleagues, faculty service, research and publication, creative contribution, and other. The rating scale has been attached as Appendix H.

Since student evaluation of faculty is considered to be valuable and necessary, a Student Evaluation is being developed.

C. Procedures and Time Lines

The instruments described previously are believed to be valid for (1) the appraisal of performance of superiors by subordinates and (2) the appraisal of performance of subordinates by superiors. The following general procedures will be followed:

1. The evaluation of all administrative personnel utilizing appropriate instruments will occur during the fall semester, and the summary reports will be submitted to the President in January, 1976.
2. The evaluation of faculty by department heads utilizing the nine-point scale (See Appendix H) will occur in January, 1976, as regularly scheduled by the University. The results of the evaluation will be discussed with the individual and filed in the Office of the Academic Vice President to be used as a part of the regular annual evaluation.

3. The evaluation of faculty by students will utilize the form being developed.

The University, for purposes of evaluation, is divided essentially into three areas: (1) Academic, (2) Administrative, and (3) Business. Because of differences both in instrumentation and procedures, each area will be described separately in describing the evaluation plan.

1. The Academic Affairs Area

- a. Subordinates Appraisal of Superiors (to be conducted during November, 1975)

- (1) All faculty members will evaluate the performance of department heads, deans and their associate and assistant deans, the Academic Vice President, and the President.
- (2) Department heads, directors, and coordinators will evaluate the dean and his assistants, the vice president and his assistants, and the President.
- (3) The deans will evaluate the vice president and administrators of his office and the President and his assistants.
- (4) The vice president will evaluate the President and his assistants.
- (5) The statistical treatment of data will present faculty evaluations separately from administrative evaluations.
- (6) The vice president's and his associates' evaluations will be included statistically with those of the deans.

- b. Superiors Evaluation of Subordinates

- (1) The President will evaluate the performance of the vice president, deans, associate and assistant deans.
- (2) The vice president will evaluate the deans, associate and assistant deans, and department heads.
- (3) Deans will evaluate department heads, directors, and coordinators.

2. Administrative Affairs Area

- a. Subordinates Appraisal of Superiors (to be conducted during November, 1975)

- (1) Appropriate employees will evaluate their immediate superiors holding administrative posts of dean or director using the Administrative Affairs Evaluation Form.
- (2) Deans and directors will evaluate the vice president using the Administrative Affairs Evaluation Form.
- (3) The vice president and directors will evaluate the President using the presidential evaluation form. He will forward this evaluation to the Office of Academic Affairs where it will be included with other vice presidents and deans.
- (4) An appropriate person will be selected to collect all completed forms and forward them to the Office of the President.

- b. Superiors Evaluation of Subordinates

- (1) The President will evaluate the vice president using the Administrative Affairs Form.
- (2) The vice president will evaluate his deans and directors using the Administrative Affairs Form.
- (3) The deans and directors will evaluate their subordinate personnel using the Administrative Affairs Form.

- (4) Each administrator will share the results of his evaluation with the subordinate and forward his evaluation to the President's Office through the designated channels.

3. Business Affairs

a. Subordinates Appraisal of Superiors

- (1) Subordinates evaluating superiors will be limited to individuals holding professional or faculty rank.
- (2) The vice president will evaluate the President using the Presidential Form and forward his evaluation to the Office of Academic Affairs where it will be included with those of other vice presidents and deans.

b. Superiors Appraisal of Subordinates

- (1) The President will evaluate the vice president using WKU Personnel Form 20.
- (2) The vice president will evaluate directors and managerial personnel using WKU Personnel Form 20.
- (3) Directors and managers will evaluate personnel non-exempt under the Wage and Hour Law using WKU Personnel Form 17.
- (4) All evaluations will be shared with the individual and the completed forms submitted to the President's Office.

IV. Statistical Treatment of the Evaluations

Statistical treatment of the evaluations will be determined by Dr. Thomas Madron. It will be Dr. Madron's responsibility to provide separate statistical treatment for faculty evaluations of administrators and administrators evaluations of superior administrators. Statistical treatment will include a presentation of numbers of evaluators, means, and other significant data.

V. Utilization of Results

The results of all evaluations will be placed in summary form by Dr. Madron and placed in the hands of the President. It is strongly recommended that the President and all others with whom the data may be shared treat the evaluation results with utmost confidentiality. The inadvertent release of these materials to unauthorized sources would undoubtedly influence the reliability and validity of future evaluations.

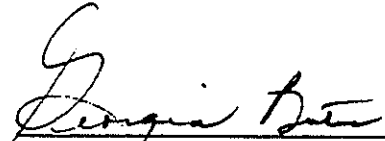
(Secretary's note: The Appendixes to which references are made are not included in these minutes but are being retained as a part of the official file.)

In the final item under other business, President Downing was requested on behalf of the Board of Regents to convey to Head Coach Jimmy Feix and his staff and members of the football squad an expression of both appreciation and congratulations upon a highly successful season and the best wishes of the Board for continued success throughout the remaining days of the season.

There being no further business, on motion duly made and seconded, the meeting was adjourned at approximately 5:30 o'clock.

CERTIFICATION OF SECRETARY

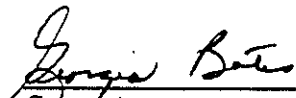
I certify that the minutes herein above set forth an accurate record of votes and actions taken by the Board of Regents of Western Kentucky University in its meeting held on October 25, 1975, in the Regents Conference Room of the Wetherby Administration Building on the Western campus and further certify that the meeting was held in compliance with Sections 2, 3, 4, and 5 of House Bill 100 enacted by the General Assembly of the Commonwealth of Kentucky at its 1974 Regular Session.



Georgia Bates, Secretary



Chairman



Secretary