

MINUTES OF MEETING OF BOARD OF REGENTS  
WESTERN KENTUCKY UNIVERSITY  
December 20, 1975

A special meeting of the Board of Regents of Western Kentucky University, which had been called at the written request of Dr. William G. Buckman, Mr. Stephen L. Henry, and Dr. W. R. McCormack, was held on Saturday, December 20, 1975, at 2:30 p. m., CST, in the Regents Conference Room, Wetherby Administration Building, on the Western campus. The meeting was preceded by a meeting of the Executive Committee at 1:30 o'clock in the Office of the President. Dr. W. Gerald Edds, Chairman, presided.

The meeting opened with a prayer of invocation by Dr. John D. Minton, Vice President for Administrative Affairs.

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 Dr. Minton, were Dr. Dero G. Downing, President; Dr. Raymond L. Cravens, Vice President for Academic Affairs and Dean of the Faculties; 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 P. Lazarus, Staff Assistant, Office of the President; Mr. William E. Bivin, University Attorney; and Mr. Dee Gibson, Jr., Director of Public Affairs and Community Relations.

The minutes of the regular meeting and of the Executive Committee meeting held on October 25, 1975, copies of which had previously been mailed to the members of the Board, were presented by the Chairman. After discussion, Mr. Cole moved their adoption. The motion was seconded by Dr. Embry and carried unanimously.

Chairman Edds pointed out that the next four items on the agenda were specified in the letter requesting the called meeting and were being considered in the order

stated:

Tenure policy  
1974-75 excess funds  
Procedure for approving student concerts  
Previous administrative evaluations discussed in executive session

Dr. Embry, who chaired the special ad hoc committee appointed by the Chairman following the meeting of the Board on September 20 to study and review the proposed tenure policy, called attention to the four provisions of the policy (Section II, part 2, final paragraph; Section III; Section IV, revised paragraph 3; and Section VII, paragraph 3) on which no action was taken at the October 25 meeting but were referred back to the special ad hoc committee for further study and recommendations. He presented in exhibit form the proposed revisions of the first three points in question, noting the reason why the committee recommended no change in the fourth point, and stated that the recommendations were being made with the concurrence of the Faculty Tenure Committee. Having been unanimously approved by the Executive Committee at its meeting earlier in the day, Dr. Embry then moved adoption of the faculty tenure policy, which follows:

(Secretary's note: The report of the Faculty Tenure Committee which was recommended by the President to the Board on September 20 is recorded in the minutes of that meeting. The revisions as recommended by the ad hoc committee and approved by the Board on October 25 are recorded in the minutes of that meeting. Therefore, these minutes reflect the finalized tenure policy, which incorporates the recommended changes of this date.)

## TENURE POLICY

### 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 a maximum of two annual appointments without tenure thereafter upon its determination that such action is in the best interest of the institution.

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 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 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 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 serve the best interest of an academic program or programs and shall follow the established recommendation procedure as stated in II. 4.

### III. Advisory Committee on Faculty Continuance

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

A list of eligible tenured faculty members assigned to full-time teaching, research, and/or academic service duties, other than the faculty regent, shall be 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.

The committee shall be a standing committee consisting of five (5) tenured faculty members. Membership on the committee shall be selected from the list by lot. A faculty member shall not participate in a case involving a faculty member from the same department; and a member chosen shall remove himself/herself either at the request of the party or on his/her own initiative, if he/she deems himself/herself disqualified because of bias or interest. Each party shall have a maximum of two (2) challenges without stated cause. Supplementary selections and lists shall proceed in the same manner until an accepted committee is constituted.

The committee shall designate one (1) member as Chairman.

### IV. Procedure for Review of Non-Reappointment Recommendations

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 recommend reappointment of a faculty member upon expiration of any appointment during the probationary period, the President shall provide the affected faculty member official written notice as follows:

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

The University is not obligated to furnish a statement of reasons for the decision not to recommend reappointment of 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 non-reappointment. 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 recommend reappointment and the faculty member has factual information as grounds upon which it is claimed that the decision not to recommend reappointment was arbitrary or capricious or was based on considerations that violate constitutionally protected rights or interests; 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 thirty (30) days after receipt of official notice. It shall be accompanied by a written, signed statement that the faculty member agrees that the authorities who made the decision not to recommend reappointment 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 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.

Upon the recommendation of the committee, the President shall cause the matter to be heard 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.

The ad hoc committee shall consist of five (5) members chosen by lot from the list of eligibles provided for in Part III. A member chosen shall remove himself/herself from the case either at the request of the party or on his/her own initiative if he/she deems himself/herself disqualified because of bias or interest. Each party shall have a maximum of two challenges without stated cause. If the list shall be exhausted before an acceptable committee has been obtained, supplementary list selections will be made following the initial procedure. The committee shall select its own Chairman.

The committee will adhere to the following procedures:

1. The faculty member will be afforded an opportunity to obtain necessary witnesses and documentary or other evidence, and the administration will, insofar as it is possible for it to do so, secure the cooperation of such witnesses and make available necessary documents and other evidence within its control.
2. The faculty member and the administration will have the right to confront and cross-examine all witnesses. Where the witness cannot or will not

appear, but the committee determines that the interests of justice require admission of his/her statement, the committee will identify the witness, disclose his/her statement and if possible provide for written interrogatories.

3. The hearing committee will not be bound by strict rules of legal evidence, and may admit any evidence which is of probative value in determining the issues involved. Every possible effort will be made to obtain the most reliable evidence available.
4. The hearing committee will grant adjournments to enable either party to investigate evidence as to which a valid claim of surprise is made.
5. The findings of fact and the decision will be based solely on the hearing record.
6. Except for such simple announcements as may be required covering the time of the hearing and similar matters, public statements and publicity about the case by either the faculty member or the administrative officers will be avoided so far as possible until the proceedings have been completed, including consideration by the Board of Regents.

Upon conclusion of the hearing, the committee shall report its findings, conclusions, and recommendations to the President for transmittal to the Board of Regents. The Board of Regents will consider the record and the report and may either sustain the recommendation of the Committee or return the proceedings for reconsideration of specific objections made by the Board. The committee will then reconsider, taking into account the stated objection and receiving new evidence, if necessary. The Board of Regents will make the final decision after a study of the committee's reconsideration.

#### 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:

- 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 decides to apply sanctions, the President shall issue a formal letter of notification and 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 specified in Kentucky Revised Statutes 164.360 are 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 quality 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.

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 members.

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 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 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 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 of 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 recommendation to the Board.

Dr. Embry's motion for adoption of the faculty tenure policy was seconded by Mr. Clark. In the discussion which followed, (1) the ad hoc committee was commended upon the excellent manner in which its assignment had been carried out, and (2) it was agreed that the policy should be reviewed annually for the purpose of making any needed revisions. 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

With the Board in the October 25 meeting having directed the President and the appropriate university officials to review and give further study to the allocation of the June 30, 1975, unencumbered fund balance in the amount of \$684,039 (\$756,579 less authorized expenditure of \$72,540 for replacement of the roof on the Central Wing of the Kelly Thompson Complex for Science) and submit the results of that study to the Executive Committee, the Board heard a summarization by President Downing of his comprehensive report of December 12 to the Executive Committee. He reviewed the factors which contributed to the favorable position (recorded in the minutes of the October 25 meeting) and stated that in his opinion the fund balance represented a sound fiscal condition and should be viewed as a tribute to those who are responsible for administering the various budgetary units and programs throughout the University. In pointing out that the total fund balance represents only 2.53 percent of the 1974-75 budget, he expressed satisfaction over the fact that the relatively small margin provides a limited amount of flexibility rather than being in the form of a deficit, which often proves to be the case in similar complex budget management and administration of fiscal affairs. He then submitted and recommended the following plan of priority for the utilization of the fund balance, which he described as "delayed application of funds to unmet needs of a nonrecurring nature":

1. Additional funds reserved for 1975-76 pending action of the Kentucky General Assembly on supplemental allocations made in 1974-75. \$314,075
2. Allocation for additional library materials including films, film strips, and tapes. 25,000
3. Allocation for equipment and other capital outlay support for new and expanded programs. The allocation of these funds is needed to support the program offerings in areas such as industrial, technology, nursing at the baccalaureate level, and fire science. 20,000
4. Alterations and improvements in physical facilities. These funds would be used to improve conditions in some facilities in accordance with the Occupational Safety and Health Act (OSHA) requirements; to relocate functions currently operating in crowded conditions, such as Student Financial Aid; and to create more effective instructional conditions through selected projects. 63,500
5. Funds for equipment and capital outlay to be allocated among the colleges. The needs reflected in the requests for the colleges exceed the funds available, and it is recommended that this sum be made available for use by the College of Applied Arts and Health, Arts and Humanities, Community College, Education, Business

	and Public Affairs, and Science and Technology. Included in this allocation would be funds for equipping Science and Technology Hall. The allocation among colleges would be based on the needs and priorities outlined by each college.	\$204,000
6.	Magnetic-type lock system for residence halls. The installation of a magnetic lock system for doors in the residence halls will improve and strengthen the fire safety system and overall hall security. These funds would be used to purchase and install magnetic locks on 43 exterior doors.	21,500
7.	Improvements in parking and outdoor recreational areas. Funds in this category would be used in the continuing effort to improve the tract of land at the south end of the campus so that the area can be utilized for recreational and intramural programs; improvement in existing recreational areas; and campus parking areas.	30,000
8.	Supplemental contingency for each college for current operating expenses. It is recommended that \$1,200 be allocated to the dean of each college with faculty to be used for current expenses. This will provide some needed flexibility in meeting travel and/or current expense needs.	<u>6,000</u>
	Total	\$684,075

President Downing went on to explain why the above recommendations did not include a proposal for the allocation of funds for scholarships and salaries in which interest had been expressed in the October 25 meeting. He made reference at this time and in the discussion which followed to detailed reports provided the Board which revealed that more than \$7.2 million in student financial aid from all sources had been disbursed to approximately 50 percent of Western's students for the 1974-75 fiscal year, with 1,915 students receiving scholarships totaling \$917,168. He added that the scholarship program is being currently evaluated with the expectation of recommending as a part of the 1976-77 Operating Budget some increase in the amounts for certain scholarships, as well as in the number awarded.

Upon the President's recommendation, Mr. Ramsey moved approval of the priorities as outlined above for the utilization of the \$684,039 fund balance. The motion was seconded by Mr. Clark. Lengthy discussion followed and centered primarily around Mr. Henry's appeal for the investment of a portion of the funds with the earnings therefrom to be used for scholarships for students at the sophomore, junior, and senior levels who have distinguished themselves academically. The ramifications involved in such use of funds was explained by Vice President Largen. Other members of the Board voiced interest in an increased program of academic scholarship support for students above the freshman level; and in responding to Dr.

Edd's suggestion that a report be made at the next meeting of the Board as to the amount of funds that could be provided by the College Heights Foundation for this purpose, President Downing reviewed the aims and objectives of the Foundation and stated that with the fund corpus having reached its present level, it was his feeling that Dr. Thompson and his Board of Directors would be receptive to any reasonable proposal which the University wished to submit for increased scholarship support. He added, however, that the additional funds which might be coming from the Foundation would be relatively small compared to the tremendous figure represented by the existing resources made available through the combined financial aid programs of all types-- federal, state, and institutional. Dr. Buckman, in referring to a recommendation he made in the earlier meeting of the Executive Committee, stated that he would like for the Board to establish a Finance Committee which would be a standing committee responsible for keeping well informed on matters of a fiscal nature, such as the scholarship program. He suggested that Mr. Cole and Attorney Bivin give consideration to the inclusion of such a committee in the drafting of the bylaws, which they had been requested to work on with the expectation of a progress report to be presented to the Board at the January 31 meeting. President Downing confirmed that the funds of \$314,075 being reserved for 1975-76 pending action of the Kentucky General Assembly on supplemental allocations made in 1974-75 would not be utilized except on Board authorization. Thereupon there was a call for the question on the motion that had been made and seconded for approval of the recommended plan for utilization of the unencumbered fund balances. There being no further discussion, upon a call of the roll, the vote was as follows:

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

Nay: McCormack

Abstaining: Buckman

The Board heard a proposal from Mr. Henry for the establishment of an appeals procedure relative to student concert bookings. In stating that Associated Student Government had no avenue in which to appeal a decision of the Office of Student Affairs, under whose authority the selection of concerts is vested, he proposed the establishment of a 5-member committee for such determination. Following full discussion in which both President Downing and Attorney Bivin explained at length why it was neither feasible nor legally sound to vest such authority with any persons other than University officials, Mr. Cole moved that Chairman Edds and President Downing

appoint a committee within the next ten days to study the matter at hand and report back to the Board at its January 31 meeting. The motion was seconded by Dr. McCormack and carried unanimously.

At this point in the meeting, Dr. McCormack moved that members of the Board go into closed session to discuss the previous administrative evaluations. The motion was seconded by Mr. Cole; and after discussion, the vote was as follows:

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

Nay: None

Upon returning to the open meeting, Mr. Cole stated that in addition to the there was other discussion required to be closed to protect the reputation of individual persons. ~~the Board also discussed the current administrative evaluation as to anticipated date of completion and method of distribution.~~

Personnel changes subsequent to the meeting of the Board on October 25 were presented by the Chairman. Having been mailed to the members in exhibit form on December 12 by the President and upon his recommendation, the motion for approval of the changes was made and seconded by Mr. Clark and Mr. Henry, respectively. The list follows:

#### NEW STAFF

<u>Name</u>	<u>Salary</u>	<u>Effective Date and Remarks</u>
<u>College of Education</u>		
Head Start:		
Mr. Kenneth E. Nye	\$ 1,167 per month	11/1/75-6/30/76; Director of Western Kentucky University-University of Tennessee Leadership Development Program; replace Mrs. Virginia Miller
<u>Ogden College of Science and Technology</u>		
Biology:		
Miss Leslie James	570 per month	1/1-5/31/76; laboratory technician; temporary position
<u>Academic Services</u>		
Media Services:		
Mr. Greg Y. Liske	650 per month	11/17/75; temporary position as Television Utilization Assistant; grant program
<u>Business Affairs</u>		
Physical Plant and Facilities Management:		
Mr. Gary A. Sutton	12,000	12/15/75; Utility Specialist; budget approved 1975-76
College Heights Bookstore:		
Mr. Nathaniel H. Love, III	9,600	11/1/75; Staff Assistant
Mr. Paul McDougal	9,600	11/1/75; Supply Department Manager

See correction and clarification as recorded in minutes of January 31, 1976, meeting

NEW SECRETARIAL AND CLERICAL STAFF

<u>Name</u>	<u>Salary</u>	<u>Effective Date and Remarks</u>
<u>College of Applied Arts and Health</u>		
Nursing:		
Mrs. Mona Barnes Auberry	\$ 230 per month	10/10/75; temporary part-time position as secretary working under Nursing Capitation Grant
<u>Ogden College of Science and Technology</u>		
Agriculture:		
Mrs. Carol W. Cary	6,240	11/11/75; replace Mrs. Cynthia Jeanette; senior secretary
Chemistry:		
Miss Judith S. Campbell	5,280	11/10/75; departmental secretary; replace Mrs. Linda Moore
<u>Academic Services</u>		
Library Services:		
Mrs. Janice C. Haley	5,208	11/1/75; clerical assistant; replace Mrs. Rose Davis
Mrs. Cheryl J. White	5,208	11/1/75; clerical assistant; replace Mrs. Marilyn Williams
Educational Television:		
Mrs. Regina D. Morris	5,580	10/27/75; administrative secretary; replace Mrs. Sharon Rockhill
<u>Academic Affairs</u>		
Scholastic Development:		
Mrs. Patricia Ann McDowell	5,484	10/22/75; administrative secretary; replace Mrs. Sharon Hartowicz
Counseling Services Center:		
Miss Toni Alpe	400 per month	10/27/75; temporary position to administer GED testing program as well as other testing programs in Counseling Services Center; General Clerk I
<u>Administrative Affairs</u>		
Student Affairs:		
Mrs. Rebecca K. Daniel	5,280	10/13/75; administrative secretary in area of Housing; position transferred from Student Affairs to Housing
<u>Business Affairs</u>		
Accounts and Budgetary Control:		
Miss Deborah E. Campbell	5,280	12/11/75; General Clerk II; replace Mrs. Jennifer Stephenson
Food Services:		
Miss Teresa Cecile Bunch	5,280	12/1/75; General Clerk II; assigned to Garrett Conference Center Cafeteria to relieve Mrs. Lovelady for more time for supervisory duties



NEW SECRETARIAL AND CLERICAL STAFF  
(continued)

<u>Name</u>	<u>Salary</u>	<u>Effective Date and Remarks</u>
<u>Public Safety</u>		
Miss Melodye A. Whalin	\$ 5,040	11/12/75; General Clerk II; replace Mrs. Doris Riley

FACULTY REAPPOINTMENT

Ogden College of Science and Technology

Biology; Physics and Astronomy:

Dr. Stephanie Drake	1,542 per month	12/1/75-4/30/76; Assistant Professor
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STAFF, SECRETARIAL, AND CLERICAL  
REASSIGNMENTS AND/OR PROMOTIONS

Bowling Green College of Business and Public Affairs

Mrs. Sharon Furlong	5,160	9/16/75; transferred from Intergovernmental Personnel Programs Grant to Title I Grant; secretary
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Academic Services

Office of University Archivist:

Mrs. Helen L. Knight	6,204	11/1/75; position reclassified from administrative secretary to archival assistant
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Business Affairs

Physical Plant and Facilities Management:

Mrs. Doris Faye Riley	no change	11/12/75; reassigned from Public Safety to Physical Plant and Facilities Management; General Clerk I
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Computer Center

Mr. Michael L. Furlong	10,900	11/1/75; promoted to position of Systems Programmer
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CONTRACTS RENEWED FOR 1976-77  
WITHOUT TENURE BEING GRANTED

College of Education

Physical Education and Recreation:

Mr. Jerry A. Bean		8/16/76
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Potter College of Arts and Humanities

Mass Communications:

Mr. Robert L. Blann		8/16/76
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CONTRACT NOT RENEWED FOR 1976-77

Name Effective Date and Remarks

Potter College of Arts and Humanities

Art:

Mr. Harry W. Miller

August 15, 1976

LEAVE OF ABSENCE

Administrative Affairs

Student Affairs (Housing)

Mr. Hubert P. Griffin

10/16/75; leave of absence previously granted for period 4/15-10/15/75 to be continued because of illness

RETIREMENT

Business Affairs

Food Services:

Mr. Clinton Earl Roberts

12/31/75; Assistant Director of Food Services

DECEASED

Potter College of Arts and Humanities

Speech and Theatre:

Dr. Mildred Howard

Passed away 10/19/75, following a long illness

FACULTY RESIGNATIONS

Bowling Green College of Business and Public Affairs

Legal Area Studies:

Mr. J. David Francis

12/31/75; Director of Legal Area Studies; elected Judge of Warren Circuit Court, Division II

Academic Affairs

Eagle PREP Program:

Miss Faye M. Muffett

12/31/75; to be married; math teacher

Potter College of Arts and Humanities

Art:

Mr. S. V. Rama Rao

8/15/76

History:

Mr. V. Paul Kramer

8/15/76

STAFF RESIGNATIONS

<u>Name</u>	<u>Effective Date and Remarks</u>
<u>College of Education</u>	
Mrs. Virginia Miller	9/30/75; Project Director of WKU-UT Leadership Development for Head State Personnel
Center for Career and Vocational Teacher Education:	
Mrs. Myra W. Dwyer	12/8/75; secretary
Reading and Special Education:	
Miss Loretta J. Myers	1/5/76; secretary
<u>Ogden College of Science and Technology</u>	
Agriculture:	
Mrs. Cynthia Jeannette	11/14/75; secretary
Mr. Ted F. Thomas	12/31/75; manager of University Farm
Chemistry:	
Mrs. Linda H. Moore	11/15/75; departmental secretary
<u>Academic Services</u>	
Library Services:	
Mrs. Marilyn S. Williams	10/31/75; clerical assistant
<u>Administrative Affairs</u>	
Public Affairs and Public Relations:	
Miss Karen J. Morris	12/31/75; administrative secretary
Student Affairs:	
Mr. Michael W. Toadvine	1/8/76; Director of Pearce-Ford Tower
<u>Business Affairs</u>	
Accounts and Budgetary Control:	
Mrs. Jennifer L. Stephenson	12/31/75; General Clerk II; Cashier's Office
Physical Plant and Facilities Management:	
Miss Donna S. Massey	12/4/75; General Clerk I
<u>College Heights Foundation</u>	
Mrs. Mary Nell Ralph	1/7/76; administrative secretary
<u>College of Applied Arts and Health</u>	
Library Science:	
Miss Brenda Kay Nolan	1/16/76; secretary

After discussion, the vote was as follows:

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

Nay: None

Passing: Buckman

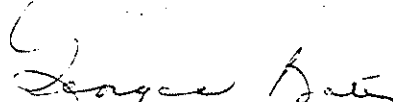
Under other business, Dr. Buckman asked for a report relative to the appeal of a student who had requested a review of the Faculty Disciplinary Committee's action affecting his status as a student at Western. Dr. Embry, Chairman of the Board of Regents Disciplinary Appeals Committee, reported on the meeting of that committee held on December 14 and described the action taken by the committee composed of Mr. Clark, Mr. Cole, and himself. It was suggested by Dr. Buckman that future actions of the Disciplinary Appeals Committee be reported to the Board.

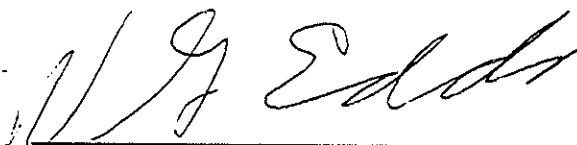
Dr. Buckman proposed the drafting of a resolution commending the football team upon its outstanding performance in the NCAA Division II playoffs. The proposal was given enthusiastic and unanimous support, with the resolution to be presented to the Board for consideration at the January 31 meeting.

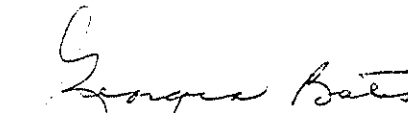
There being no further business, on motion duly made and seconded, the meeting was adjourned at approximately 5:30 p.m.

#### 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 December 20, 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