

Minutes of the Faculty Senate Meeting of 25 August 1975

Senators in Attendance: Adams, Allyn, Cochran, Corbin, Dolive, Goggin, Grosse, Lindsey, Miller, Mullen, Niewahner, Peterson, Pinelo, Rambo, Rehnke, Tetzlaff, Vitz, Wallace, Williams, Stallings

Senators Absent: Carter, Sarakatsannis, Satterfield, Tatalias

The meeting was called to order at 3:35 p.m. by the President, Dr. Pinelo. An apology was made by the Secretary, Dr. Williams, for not distributing an agenda for the meeting. This was due to uncertainty about where ditto supplies could be obtained for Senate use, but since Dr. Tesseneer had kindly offered to make supplies from his office available to the Senate, there should be no further problem in distribution of Senate materials.

Dr. Pinelo then presented the President's Report: "As we begin this 1975-76 academic year, there is no question but that N.K.S.C. faces great challenges. I need not underscore that the College has made the front page of both major local dailies on several occasions during the weeks past in a svery unfortunate light. From my conversations with members of the community and colleagues here, I have ascertained a very serious concern for the welfare of the institution. Later on in this report I will have some concrete recommendations to be worked out by Senate committees.

"I believe that over the past year and during the summer, the Senate has matured; it has attained a number of very important goals. First, it vigorously worked to retain the tenure policy which had been in force for the past few years, and that policy will remain in effect through March 1976. The Senate worked for the retention of the existing deadlines for notice of non-reappointment and it accomplished that goal. The Senate, and in particular the Executive Committee, worked long hours in cooperation with the Board of Regents and other members of the College community to attain a very acceptable, if not ideal, tenure policy. Valuable precedents have been established in so far as appeal procedures on tenure cases are concerned.

"We are thankful for all these accomplishments and we are not boastful. We recognize that the Board of Regents of this institution has worked on a number of occasions with us; that it has heard our case and acted with fairness. Let me emphasize this; I am most appreciative for the good work the Board has done in these matters and publicly and sincerely thank them for their patience and good faith in dealing with the Faculty Senate.

"Unfortunately, not all that has happened during the short life of the Faculty Senate has been good and positive. I regret that some members of our college community view the Senate with disfavor. I intend to work with everyone, whether faculty, student, or administration so that misunderstandings might be reduced, and so that the record may show at all times our good faith.

"A conciliatory attitude on the part of the Faculty Senate, however, should not be mistaken for lack of courage, integrity and determination. The Faculty Senate is not a civic club, a debating society or the male counterpart of the Women's Society. It was chartered, and I quote from Article I of the Constitution 'to provide the Faculty with the opportunity to express opinions on all matters relating to the well-being of the college . . . and to allow the Faculty to participate effectively in the making of policies.'

"The Board of Regents and the Administration of the College stand by this constitution and in so doing they reflect the wisdom of this Commonwealth's legislators who have seen fit to provide both Faculty and students with a voting member on the Board of Regents so that both groups may effectively participate in the development and growth of this institution. This is our mission, and I hope we stand ready to discharge it with the kind of

integrity which will command the respect of the College and the community at large."

Dr. Pinelo then briefly reviewed the sequence of events beginning with Dr. Steely's recommendation of 25 April 1975 that Dr. Leslie Tihany be dismissed. Dr. Pinelo dwelt upon the activities of the Senate and himself in connection with these events.

"After being notified by Dr. Tihany of the charges filed against him, I called a meeting of the Executive Committee on April 30, 1975, to consider the matter. The Committee sought advice from the Faculty Counsel, Mr. Phil Taliaferro, and on May 6 the Faculty Senate voted to recommend to the President of the College and to the Board of Regents that the charges brought against Dr. Tihany should conform to the Regents' own policy; specifically: (1) That names, places and dates be specified in each charge (2) That all charges be related to one of the three grounds of K.R.S. 164.360 (3) That charges should probably be limited to the current contractual year for an untenured faculty except when the actions of the faculty person were previously unknown. At the same meeting the Faculty Senate directed me to be present at the hearings to observe the procedures involved.

"Pursuant to your directive, I was present during the entire proceedings with the exception of a few hours during the Thursday-Friday marathon session when at one point counsel for Dr. Tihany asked the Hearing Officer, Judge and Regent Mr. Poston, that I be excused from the room, as they had decided to call me as a witness. While I did testify during the hearing, I did make it clear for the record that I was doing so merely as an individual and not in my official capacity as President of the Faculty Senate. Since the matter is still under litigation, and since the entire sophomore class of the Senate has achieved the status of potential witnesses, I have been advised not to make any comments on the substance of the hearings. However, I do feel an obligation to report to you on the specific three procedural recommendations made by this Senate to the President and the Board of Regents.

"On the first recommendation that names, places and dates be specified in the charges, the Administration made an effort to cite specifics under the second charge. However, after counsel for the Administration had rested its case, the Board of Regents voted to dismiss large portions of charge 2 which contained specific incidents. On our second recommendation that all charges relate to K.R.S. 164.360 (grounds of incompetence, neglect of or refusal to perform duty, or immoral conduct), I had some difficulty discerning which of the charges related to what grounds. On our last recommendation, that charges be limited to the last contractual year, our recommendation was ignored. When the Board of Regents voted on 21 April it did not specify for which of the grounds Dr. Tihany was being dismissed; the Chairman, Mr. Lucas, simply indicated that the Board had voted 9 to 1 to dismiss Dr. Tihany under K.R.S. 164.360.

"It is my considered opinion that some good and bad precedents were set by the Tihany hearing. The fact that the Board of Regents was willing to spend as many hours as it did on this case indicated the seriousness with which they regard dismissal for cause. However, new contracts do not appear to provide an implicit admission of previous satisfactory performance on the part of the individual faculty members.

"On July 11, 1975, Dr. Tihany requested from me in writing a hearing before an elected faculty body on the charges against him -- something which had been urged by the A.A.U.P. After consultation with the Chairman of the Faculty Affairs Committee and the Senate Parliamentarian, I informed Dr. Tihany on July 18 that no such hearing was possible under existing regulations. I was indirectly informed by the A.A.U.P. of their position on the matter: that



appropriate academic due process entails a hearing by an elected faculty committee before the case is considered by the Board of Regents. In so far as existing regulations for dismissal for cause do not include a faculty hearing, and appear to be in serious violation of A.A.U.P. standards, I am today, upon the recommendation of the Senate Executive Committee, asking the Faculty Affairs Committee to prepare by-laws covering dismissals of faculty members, taking into consideration A.A.U.P. guidelines on this matter.

"Today I would also like to report on the matter of the Faculty Handbook. As you recall, at the last Senate meeting a motion was passed instructing me to request from the Vice President for Academic Affairs, Dr. Tesseneer, that the Faculty Senate be allowed to peruse the final version of the Handbook before it was adopted. I wrote a letter to Dr. Tesseneer informing him of our request and a few days later I was invited to Dr. Tesseneer's office. He informed me that he would prefer oral over written communications from the Senate. I informed him that I would have no objection whatsoever to meeting with him personally as often as was necessary. He then informed me that he would not submit the Faculty Handbook to the Senate, but that individual faculty members would be welcome to look at it at any time. My meeting with Dr. Tesseneer resulted in a very frank and very extensive exchange of views on a wide ranging number of topics, and we agreed to have other meetings in the future."

Dr. Pinelo concluded his remarks by asking the Secretary and Senate Committee chairpersons to develop an inventory of the fate of past Senate motions in order to evaluate the Senate's effectiveness and to pursue unresolved issues.

Dr. Stallings, Senator-at-large and Faculty Regent, reported that a special Regents' Committee, chaired by Judge Poston, was about to establish the procedures to be employed in dealing with the charges brought by Dr. Leslie Tihany against the College President, Dr. Stealy.

Mr. Bernard Beck, president of Chase Student Bar, spoke in favor of the Kentucky judicials reform plan. He urged faculty endorsement of the plan which will go before the voters on 4 November 1975. Later in the meeting, Mr. Goggin moved, and Mr. Grosse seconded the following motion;

Be it resolved that the Faculty Senate of Northern Kentucky State College supports Kentucky's judicial reform amendment and that the Faculty Senate urges the members of the Northern Kentucky State College academic community to bring the amendment to the attention of the students and the members of the community at large so that the judicial reform amendment will be thoughtfully considered in the election this November.

After some discussion, a motion to table the motion was made by Dr. Rambo and seconded by Dr. Miller. The motion to table carried and Mr. Goggin's motion will therefore be considered at the next regular Senate meeting.

There were no Committee Reports from the Academic Affairs and Student Affairs Committees, but Dr. Corbin, chairperson of the Faculty Affairs Committee, reported on the recommendations on tenure appeal which had been made to the Board of Regents via Drs. Tesseneer and Stealy. The Regents had acted positively on them.

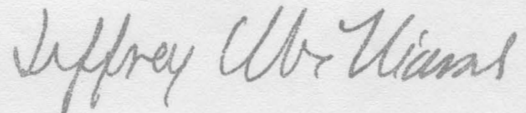
Some discussion ensued about the time of Senate meetings. It was decided to maintain the third Monday of each month as the regular Senate meeting day, but it was agreed that a 3:00 p.m. starting time would be preferable to the 3:30 p.m. starting time stipulated in the Senate Constitution. It was informally agreed that the Senate should from now on meet at 3:00 p.m. and an appropriate

amendment to the Constitution to that effect will be offered at the next General Faculty Meeting.

The meeting was adjourned at 4:40 p.m.

NOTE: THE NEXT REGULAR MONTHLY FACULTY SENATE MEETING WILL BE ON SEPTEMBER 15TH AT 3:00 P.M. IN ROOM 407 NUNN HALL.

Respectfully submitted,

A handwritten signature in cursive script, reading "Jeffrey Williams".

Jeffrey Williams, Secretary