

MINUTES OF THE FACULTY SENATE MEETING OF MAY 9, 1975

Senators in Attendance: Adams, Allyn, Carter, Cochran, Couto, Lindsey, Miller, Mullen, Niewahner, Pinelo, Rambo, Rehnke, Sarakatsannis, Tatalias, Totzlaiff, Tihany, Vitz, Wallace, Williams

Senators Absent: Corbin, Dolive, Goggin, Grosse, Peterson, Satterfield

The meeting was called to order at 3:05 p.m. The President, Dr. Pinelo, reported on several matters. With regard to the motion passed by the Senate at its April 21st meeting concerning the suspension of chairman evaluation, a letter had been sent by Dr. Pinelo to Dr. Tesseneer requesting that the latter reconsider his decision to suspend the evaluation. So far, no reply had been received. Dr. Pinelo also reported that the sabbatical and leaves policy previously approved by the Senate had been presented to the Administrative Council at its last meeting. Questions concerning the financial burdens of the policy and whether such leaves should be regarded as rights or privileges were raised at the Council meeting. The policy will be voted upon at the next Council meeting. Also, at the previous Council meeting there had been some discussion of faculty involvement with the formulation and approval of the budget for the next fiscal year. Although the administration had chosen not to bring the budget before the Senate or the Administrative Council this year, there was some reason to believe that they might next year. Dr. Pinelo announced that he wished to name the following Senators to a new special committee which would seek to work with Mr. DeMarcus, Administrative Vice-President, during the next year in the formulation of priorities for next year's budget. The Senators named are: Dr. Pinelo (chairman), Dr. Allyn, Mr. Grosse, Mr. Lindsey, Dr. Niewahner, and Dr. Rehnke.

Upon behalf of the Faculty Affairs Committee, Mr. Lindsey gave a report on the Faculty Board of Review whose purpose is to consider appeals for tenure until the Regents' new tenure policy goes into effect on April 1, 1976. The Board is chaired by Dr. Corbin. Its other members are Mr. Goggin, Mr. Lindsey, Dr. O'Keefe, Mrs. Stauss, and Dr. Thomas; Dr. Poole will serve as an alternate. Mr. Lindsey briefly summarized the procedure for appeal. After trying to resolve the tenure concerns with the department chairman, the faculty member seeking tenure unsuccessfully should make a written petition to the Chairman, Dr. Corbin. After ascertaining that the faculty member had tried to resolve the difficulty with the chairman of the department, Dr. Corbin would then present the petition to the Board of Review. A hearing would then be held in which relevant witnesses and written material could be introduced; the petitioner had the right to make the hearing an open one if he or she so desired. The Board's recommendation on the matter with relevant materials would then be passed on to the Academic Vice President, with copies to the President, the faculty person and the chairman of the department. The Vice President's decision on the matter would be communicated to the Faculty Affairs Committee, with copies to the same individual as above. The College President would then make a recommendation to the Regents. There was some confusion over the question as to whether all the material with positive and negative recommendations would go all the way to the Regents. Upon a question from Dr. Lengyel, Mr. Lindsey said it was his understanding that the Vice President and President would pass on their recommendations, negative as well as positive, to the Regents, and that therefore no Board recommendation would be stopped short of the Regents.

Under new business, Dr. Pinelo reported on Dr. Tihany's desire to have the Senate informed of the proceedings initiated against Dr. Tihany by the President, Dr. Stealy.



for dismissal for cause. Dr. Pinelo convened a meeting of the Executive Committee on April 30th to consider this matter. The Committee had observed that the proceedings against Dr. Tihany would be particularly important to the entire faculty insofar as they would set precedents for dismissal for cause of both untenured faculty within their contract year and tenured faculty at any time. The Committee felt that while it was clearly inappropriate for the Senate in any way to attempt to prejudge a particular case which was ~~KRM~~ obviously up to the Board of Regents to adjudicate, it was the responsibility of the Senate in seeking to protect the general interests of the faculty as a whole to ask legal counsel for the faculty to express an opinion on the potential precedents for procedure in connection with this dismissal for cause. The Committee resolved that upon receipt of the opinion the entire Senate ought to resolve what if any further action should be taken. Dr. Pinelo then read the opinion of the faculty's legal counsel, a lengthy document the gist of which was that charges for dismissal for cause ought to be specific as to dates, names and places, that such charges should directly relate to the causes stated in K.R.S. 164.360, and that such charges be probably limited to actions by the faculty member within the current contract year (unless the actions had been unknown until the current contract year). Considerable discussion ensued. In due course, a motion was made by Dr. Couto and seconded by Dr. Rehnke. The motion, which was approved by a vote of 15 for, none against, with 4 abstentions, was as follows:

Whereas, the Faculty Senate has sought and has received legal advice from counsel;

Whereas, the process for dismissal for cause is of concern to all faculty at M.K.S.C. as well as all faculty in all public institutions of higher education in Kentucky;

Whereas, the action against Leslie Tihany for dismissal for cause is precedent setting;

The Faculty Senate recommends to the President of the College and the Board of Regents that charges against Dr. Tihany or any other faculty member should conform to the Regents' stated policy of April 21, 1975, and to the advice of the faculty counsel -- specifically:

that names, places and dates be specified in each charge,  
that all charges relate to one of the three grounds of K.R.S. 164.360,  
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.

Dr. Tihany reported that his hearing before the Regents would occur at 7:30 p.m. on May 22nd in the Board Room on the fifth floor of Nunn Hall; at his insistence the hearing would be open to the public and the press. Dr. Couto moved and Dr. Rambo seconded the following motion, which was adopted by a vote of 13 for and 1 against:

That the President of the Senate and legal counsel for the faculty be present at the hearings concerned with Dr. Tihany's dismissal, and that their purpose will be solely that of observers of the procedure involved.

The meeting adjourned at 4:07 p.m.

Respectfully submitted,

*Jeffrey Williams*  
Jeffrey Williams, Secretary

Regular monthly Senate meeting for June will occur on Monday, June 16th, 3:30 p.m.