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Board of Regents, Murray State University

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MINUTES OF THE MEETING OF THE BOARD OF REGENTS
MURRAY STATE UNIVERSITY
October 24, 1981

The Board of Regents of Murray State University met October 24, 1981, at 9:00 a.m., in the Board Room, Third Floor, Wells Hall, on the campus of the University. The meeting was originally scheduled for October 10, 1981 but was postponed to this date because two members were unable to be present on the 10th. The following members were present: Mr. J. W. Carneal, Dr. Charles E. Howard, Mr. Mark McClure, Mr. Jere McCuiston, Mr. Bill Morgan, Mrs. Sara L. Page, Dr. Ed Settle, Mr. Steve West, Mr. Jerry Woodall, and Mr. Ron Christopher, Chairman, presiding.

None were absent.

Also present were Dr. Constantine W. Curris, President; Mrs. Patsy R. Dyer, Secretary of the Board; Mr. Don Chamberlain, Acting Treasurer of the Board; Vice-Presidents Richard Butwell and Frank Julian; Mr. James O. Overby, University Attorney; Dr. Tom Posey and Dr. Terry Foreman, President and Vice President of the Faculty Senate respectively; members of the news media and visitors.

Chairman Christopher called the meeting to order and Dr. Foreman gave the invocation.

The following agenda was presented for the meeting:

Agenda
for
Meeting of the Board of Regents
Murray State University
Saturday, October 24, 1981
9:00 a.m.

1. Minutes of the Meetings of the Board of Regents held on May 9, 1981; June 13, 1981; and July 31, 1981
2. Report of the President
3. Academic Council Proposal
4. Appointment of Directors to the National Museum of the Boy Scouts of America (Dr. Howard and Mr. Christopher)
5. Appeal Request from Dr. Donald Johnson (Dr. Curris)
6. Report on Proposal for Settlement of MSU Controversy (Executive Session)

Minutes of the Meeting of the Board of Regents held on May 9, 1981, Approved

The Chairman called for additions and/or corrections to the minutes of the May 9, 1981, meeting of the Board.

Mr. Woodall moved that the minutes of the meeting held on May 9, 1981, stand approved as presented. Dr. Howard seconded, and upon call for the vote, all voted aye. Chairman declared the motion passed.

Minutes of the Meeting of the Board of Regents held on June 13, 1981, Approved

The Chairman called for additions and/or corrections to the minutes of the meeting of the Board held on June 13, 1981.

Mrs. Page moved that the minutes of the June 13, 1981, meeting of the Board of Regents stand approved as presented. Dr. Settle seconded and upon call for the vote, all voted aye. The Chairman declared the motion passed.

Minutes of the Meeting of the Board of Regents held on July 31, 1981, Approved

The Chairman called for additions and/or corrections to the minutes of the meeting of the Board held on July 31, 1981.

Mrs. Page moved that the minutes of the July 31, 1981, meeting of the Board be approved. Mr. West seconded and all voted aye. Chairman Christopher stated that there being no nays, the minutes stand approved.

Mr. Woodall suggested that members bring copies of minutes that are mailed to them to the meeting and avoid duplication at the meeting.

Joint Meeting with Western Kentucky University Board of Regents, Planned

Mr. Christopher stated that he had received a letter from John David Cole, Chairman of the Board of Regents of Western Kentucky University, regarding a possible joint meeting of the Boards of Regents of Murray and Western on November 21, at Western. Mr. Christopher further stated that if a majority of the Murray State Board can be there and if there are no objections to a joint meeting, he would entertain a motion to that effect.

Mr. McCuiston moved that the Murray State University Board of Regents and the Western Kentucky University Board of Regents have a joint meeting in Bowling Green on Saturday, November 21, at 10:00 a.m. Mr. Carneal seconded and all voted aye.

Mr. Christopher stated he would be meeting with Mr. Cole, and they would get an agenda and other information out to the members.

It was noted that Joe Bill Campbell has been elected Chairman of the Board of Regents of Western effective January 1, 1982.

Report of the President

Dr. Curris: The item that was just discussed serves as a preliminary statement to my report. I think there are two things that I would like to mention to the Board.

Officials of Murray State University and Western Kentucky University have met and we are meeting again this Thursday here on the campus exploring ways in which we can accomplish two things. 1) save money through joint endeavors and 2) ways in which we can strengthen the academic programs and educational services we offer students through joint endeavors. Our hope and expectation is that from this meeting on the 28th there may be some proposals that would come before the joint Boards when they meet as it appears now on the 21st of November.

The other issue that I think brings the two institutions closer together is the issue of budgetary recommendations that are before the Council on Higher Education as a result of the action of the Financial Affairs Committee of the Council last week. The Financial Affairs Committee, meeting I might add without a quorum but still acting, approved without any changes the recommendations that came from the staff of the Council on Higher Education with reference to budget recommendations for the coming year.

There's been quite a bit of comment in the newspapers relative to this action. I have mentioned before, and I would mention again that I feel that the proposals submitted by the staff of the Council were the most ill-prepared and unjustified budgetary recommendations that I have seen in the eight years with which I have had contact with the Council on Higher Education.

My concern is shared by several other Presidents and those concerns essentially evolve over three policies that characterize these recommendations. The first characteristic is a 15% tuition increase across-the-board for students in four-year institutions for each of the two years of the biennium. This is back-to-back, the largest tuition increases that the Council has been asked to enact as long as I can remember. I find the scope of these tuition increases not only to be excessive but in a time of considerable economic difficulty in the state and nation and at a time when federal student financial aid programs

are being reduced--and we don't know how much they'll be reduced this coming year, but we've already felt the impact this year--the end result is the creation of a major problem for many students. I think the combination of major tuition increases and reductions in federal financial support returns higher education to a period 25 years ago when there truly was an economic barrier, a financial barrier, to getting an education, and I am most disturbed by that last proposal.

Secondly, in determining the amount to be given to each institution for the coming year the Council on Higher Education's staff uses inflationary factors. These inflationary factors translate to us in dollars that would be available for salary increases, for increasing supply budgets, etc. Everyone is aware of the major cuts that have occurred and for the most part equitably across higher education, so that we are in a more difficult period now than we have been in many years in terms of meeting the educational services. The proposed inflationary increases for each of the next two years are seven percent and six percent. I find those figures somewhat astounding. Anyone who read the newspaper this morning saw that the inflation rate for this last month was at a fourteen percent rate and that for the first nine months of the year it's been over ten percent. The impact on using those very low inflationary figures results in two things. One, if adopted, means clearly that the institutions would not be able to keep pace with inflation much less to recover what we've already lost and it's impact on faculty and staff salaries is very evident. The other thing that that particular proposal does is when you have fifteen percent increases in tuition and something like a six or seven percent inflationary rate, it leaves the Council with some additional funds for this coming biennium by which they have recommended the third major objection to their proposal. And that is a redistribution of funds and potential increases away from six universities and to two universities. This has been coined in some quarters as the Bluegrass Plan. In my judgment it perhaps can be described as the reverse Robin Hood policy where you take from the poor and give to the rich. But the impact is very clear. The impact is that dollars that should be coming to Murray, Western, Eastern, Morehead, and other institutions in the State, an effort will be made to channel those to the University of Kentucky and the University of Louisville. That impact on our campuses, I think, will be significant.

Yesterday, the deans, chairmen, Faculty Senate, and I met and we discussed the situation. We are going to be looking at what options are available to us, but I really feel that the future of this University as we now know it is very much at stake in the decisions that have been recommended by the Financial Affairs Committee of the Council and that will eventually go to the Council and to the Department of Finance and the Governor if approved by the full Council.

I would also add that my concerns are shared by other Presidents. Mr. Joe Bill Campbell and Mr. Joe Iracane, the new Chairman and Vice-Chairman of the Western Board of Regents, were in attendance at that meeting in which the Financial Affairs Committee approved the staff's recommendations. I know that they are concerned, and I presume that that will be a matter that will be of interest when the two Boards meet.

Mr. Christopher: Thank you, Dr. Curris.

Academic Council Proposal, Adopted

Dr. Curris: In your packet is a proposal that I guess has been in the mill for nearly a year. This proposal has stemmed from the Faculty Senate. It was previously addressed in part by the Morgan Committee in which some recommendations were made that work be continued on this and that at the meeting in October a deadline or goal was set by which this proposal could be brought to the full Board. Several people are involved in this, and I am sure, Mr. Christopher, may wish to make some comments. Let me just make a few prefatory remarks and then there's another item that I want to get back to later on.

The Board of Regents established in about 1975 a governance system for the internal operations of the campus as it deals with policies. That system has worked rather well over the years, but no matter how hard you try to come up with a good system, you always find weaknesses in it when the system is put into effect. This particular modification or amendment to that governance system attempts to address two or three weaknesses that we feel exist in the present governance system.

One is we have some duplicatory committee systems so we sought to bring under one umbrella that committee system.

Secondly, we have sought to establish here an academic council which brings together faculty, students, and administrators to review the works of separate committees and to make recommendations for action. It's important in any kind of governance system that we have people talking to each other, that faculty who must live under certain policies, students that may benefit or not benefit from policies, administrative personnel that must administer these policies all have a voice in what those policies are and rather than battling across the table attempt to have a system where people can get together, work out their problems so that when the recommendations come up the various constituent groups in the University have agreed on a given policy, and we think this is a major step forward.

The document also outlines some responsibilities and recognition thereunto for the Faculty Senate, and there is some modification of procedures. I recommend this document to you. I have one minor suggestion to make but at this point I think it might be best, Mr. Chairman, for other individuals to address this document.

Mr. Christopher: Anyone else wish to speak about the document?

Mr. West: I'd like to move for its adoption.

Dr. Howard: I'll second the motion.

Mrs. Page: I have a question or two. On page 2, under item 3.1, "two faculty members elected by each college" faculty and the library faculty for staggered three year terms." What's the procedure?

Mr. West: The academic council idea recognizes that the council itself will establish its own bylaws and under the procedure section of this document it sets forth the establishment of bylaws. So those kinds of things would be covered under the council's bylaws.

Mrs. Page: Are you going to have an election every year from each college?

Dr. Butwell: I think it's probably more likely every other year, every two years.

Mrs. Page: Elect two at the same time every other year? My question is with three year staggered terms.

Mr. Morgan: Well, in the first year there will have to be some elected to one year and some two...

Mrs. Page: Well, then next year what are you going to do? It just doesn't look to me like it's going to work out. I think it ought to be spelled out.

Mr. Christopher: It's a good question. How are you going to resolve that?

Mr. West: Could I ask Dr. Bell? He helped draft the document.

Dr. Tom Posey: Dr. Wayne Bell is here. He helped write the document and is a mathematician.

Mr. Christopher: Dr. Bell?

Dr. Wayne Bell: There will be two people from each college. There will be three-year terms so in two out of every three years one person would be elected from that college, in the third year there wouldn't be an election in that college.

Mrs. Page: Well, in the first year is one going to be elected for three years and one for two years?

Dr. Bell: The first year in some colleges I would expect one would be elected for three and one for two. Then, in some other colleges one for two and one for one and in some other colleges one for one and one for three to have a balance so that the whole thing would shift with one-third of them changing every three years.

Mr. Christopher: I think Mrs. Page's point is that that needs to be clarified, to avoid conflict.

Mrs. Page: It's not spelled out, and I'm afraid it would cause problems.

Mr. West: What I was pointing to was the last paragraph of the document on page 6 which talks about initial elections and selections to be conducted by the Vice-President, the Senate and the Student Senate. So hopefully those kinds of issues would not have to be resolved by this Board, but if this Board trusts those people to conduct the initial elections, it would be handled.

Mrs. Page: It's not that I don't trust them. It's just that I think one college may get in a quarrel with another college about who's going to have a two-year term and who's going to have a three-year term and that sort of thing. If you all think it's all right, it suits me.

Dr. Curris: If I could just offer a suggestion here. Assuming it is the will of the Board to approve this document, perhaps we should put the procedures down in greater detail, mail a copy to every member of the Board, and attach it as an addendum on procedure for the initial election.

Mrs. Page: I had another question. On page 3, under 3.1.4, it talked about two non-voting graduate students. Then under 3.3, it again mentions two graduate students selected in accordance with 3.1.4. Are they the same graduate students?

Mr. McClure: Yes, they are. The Academic Council as a whole has standing committees and on the Graduate Studies Committee, the graduate students will be voting members but by a policy of the Southern Association they can't vote on final action. I believe that's correct. Is that correct, Dr. Posey?

Dr. Posey: It is reversed.

Mr. McClure: I thought it was the other way around, too, but I was just corrected a minute ago.

Dr. Posey: We have put graduate student members on the subcommittee called Graduate Studies Committee of the Academic Council in large part because our current Graduate Studies Committee already has graduate student representation. It is permissible for them to vote as members of the committee. The Graduate Studies Committee would then be recommending to the Academic Council. The Academic Council contains six student members who already vote, in that particular case, though, the graduate student members would be non-voting members of Academic Council but voting on the Graduate Studies Committee. We have checked that process with the Southern Association, that accredits the University staff in Atlanta.

Dr. Curris: Inasmuch as our minutes are rather copious, and we refer to those minutes in the future, it might be good to spell out clearly the intent here.

The intent is that the Graduate Studies Committee not only is a subcommittee of the Academic Council but also has a special responsibility for graduate programs that the Southern Association of Colleges and Schools looks at in accreditation. It is the feeling and the consensus that there should be two students on that committee and, of course, they have to be graduate students. Those two students will vote on the Graduate Studies Committee. There was a feeling that they should also be a member of the Academic Council. However, in all these negotiations that go on in forming policies there are already six student members. Now, the students have no objections to giving these two graduate students voting rights on the full committee and that would get eight student members voting. However, in the negotiation process there were other people who felt that that created too much of an imbalance. So what you have is a compromise. A compromise that there are two graduating students who will have to vote in the Graduate Studies Committee but will be non-voting in the Academic Council.

Mrs. Page: Do you think in here that it should say the same two students or do you thing thats..

Dr. Curris: I see no problem in amending the document. Mark, do you see any? Steve, for clarity's sake, some language to indicate that we're talking about the same two students.

Mr. West: I don't see any problem with it. Under 3.3, where it says "two," shall contain the same two," would that do it?

Dr. Curris: I think that would do it.

Mr. West: Is that all right?

Dr. Curris: You see any problems with that, Tom?

Dr. Posey: We have no problems with that. I might point out that the next to the last line in paragraph 3.3 says "two graduate students selected in accordance with 3.1.4," referring back to that first statement of the two graduate student members.

Dr. Curris: I think just for abundant clarity, we could include the word "same" on that line before two, as Steve suggested, "shall contain the same two graduate students." Do you feel that addressed your concern?

Mrs. Page: I would prefer that you not use the word contain. I don't know whether a committee contains members. Wouldn't include be better?

Dr. Curris: "Shall include." You have no problem with the substitution of the word "include" as opposed to "contain?"

Mrs. Page: I know you all think I'm nitpicking.

Dr. Curris: It's really not nitpicking. Once you've been involved in putting together any kind of document like this and dealing with compromises and working on the meaning of words, you become to some degree blinded by its weaknesses.

Mr. Carneal: Steve, how many members will there be on this Council?

Mr. West: You talking about the Academic Council?

Mr. Carneal: Right. I really haven't been able to follow it to see how many. Looks like to me it's going to be a pretty large committee.

Dr. Posey: Thirty-six, chaired by the Vice-President for Academic Programs. We anticipate, however, that a great deal of the work will be done in the smaller committees. There are three standing committees and, of course, other committees can be appointed for other special tasks. The standing committees would likely be more on the order of eight to ten people.

Mr. West: We talked some about the size of the group, obviously, and it is envisioned that a lot of the work will be done by the standing committees as set by the bylaws. In checking with other institutions, the size of this group is not uncommon and hopefully it will work.

Mr. Carneal: The difficulties I have experienced over the years with thirty-six people on a committee and getting something done has been pretty difficult from time to time.

Mr. West: There are three standing committees and, of course, Dr. Butwell will chair the Academic Council and will make assignments.

Mrs. Page: I really am pleased with this, and I'm not trying to pick it apart, but I do have one more question. On page 3 under 3.2.7 where it says "they will consider all matters brought by these various groups," what if the Board has something they want to refer? Does that need to be in there?

Mr. Christopher: The Board always has the power to change a policy.

Mrs. Page: You don't think that needs to be in there?

Mr. West: I have no objection to it being in there.

Mr. McCuiston: The Board can refer anything it wants to at any time, can't they?

Dr. Curris: I think that might be a good question. Just say "the Student Senate, the academic officers of the University and/or the Board of Regents." Does anyone have any objection to that?

Mrs. Page: I have three or four other little nitpicking things. I hate to be this way, but I think anything that's printed as a document of the University ought to be as nearly perfect as possible, and there's some spellings, some grammar, and some other things.

Mr. Christopher: Let's get them, please.

Mrs. Page: You want me to just talk to somebody else later?

Mr. Christopher: No, let's do it now so we can adopt it with the amendment.

Mrs. Page: On page 2 in the second paragraph under number 3 where it says "Board of Regent's" I think that ought to be s apostrophe instead of apostrophe s.

Mr. Christopher: Right; Board of Regents is always plural.

Mrs. Page: On page 4, under 4.1.5 "the dean of the college affected may appoint that college's requisite faculty representatives." I wonder if we shouldn't say "shall" rather than "may." If you all don't agree, say so.

Mr. West: I've got no problem with that.

Mr. Christopher: Dr. Bell, 4.1.5 to require the dean of the college affected to appoint that college's requisite faculty representatives.

Dr. Posey: The suggestion is to change "may" to "shall?"

Mr. Christopher: Yes.

Dr. Posey: What we had in mind there was that the dean could appoint them but he could also hold a special election. If the word "shall" is substituted, it would simply rule out holding a special election.

Dr. Curris: Tom, my thinking on that is that we ought to spell it out one way or the other. Why have a debate in a college unnecessarily so.

Mr. Christopher: And where is your special election called for?

Mr. West: .. no candidate.

Mr. McCuiston: If you have no candidate, how can you have an election?

Mr. Christopher: That's right.

Mrs. Page: If it says "may" and he just doesn't do it, then what is the procedure?

Mr. Christopher: It's a very good point.

Dr. Curris: Shall then.

Mr. Christopher: 4.1.5, "may" to "shall."

Mrs. Page: This next one I know you all are really going to think is nitpicking. Under 4.2.2 the next to the bottom line and the same thing is on the next page in the next paragraph where it says in 4.2.1, "will begin when either the Faculty Senate..." I think it ought to say "either when" the Faculty Senate or "when." In other words, I think you ought to transpose the words "either" and "when" in that paragraph and in the paragraph at the bottom of page 5.

Mr. Christopher: That's good.

Dr. Curris: You were an English major.

Mrs. Page: Yes, I was. Well, again, I say if something's printed, I think it ought to be right. Also somewhere in here there's "ensure" spelled "insure," and I think it ought to be "ensure." I don't know where that is.

Mr. West: I always have to ask Posey about that anyway.

Dr. Curris: Tom, do you have that last comment?

Dr. Posey: No.

Mr. Christopher: The word "ensure" is spelled with an "i" instead of an "e."

Dr. Curris: Somewhere in the document. Will you find it and correct it?

Dr. Posey: I'll bring it to the attention of the English Department.

Dr. Howard: Here it is. On page 6. Item 1 under University Tenure Committee.

Mrs. Page: Yes, there it is. Top line.

Dr. Curris: Page 6, Roman Number 1, first line.

Mrs. Page: I've finished; I'm very pleased. Thank you.

Mr. Christopher: Thank you.

Dr. Curris: Page 2, Item 2.3, I would like to suggest that the word "policy" be inserted between the words "make" and "recommendations" on the second line. Let me explain the basis for that. The reason for this is to provide clarity. In looking this over two days ago, we noted that the Board had taken some action in December with reference to the Faculty Handbook and there was potentially some conflict between this document and the action in December. We wanted to make sure that we had a clear understanding and so what it says is that the Faculty Senate may initiate and review all changes and additions to the Faculty Handbook and make policy recommendations to the Board of Regents, etc., and this would in essence supersede previous action on that point. Steve, my understanding is that that's agreeable with you. Is that correct?

Mr. West: We've got no problems on that. That was the intent of that anyway.

Dr. Curris: Okay.

Mr. Overby: Mr. Chairman, may I comment on that one thing? Dr. Curris, I noticed you prefaced that they "may initiate." At the top, it says the Faculty Senate "shall initiate."

Dr. Curris: I'm sorry. I meant to use the word "shall."

Mr. Overby: The reason I mention it is, does that mean that every other body is precluded from making these proposal initiations?

Mr. West: May I respond to that? It says and/or review so that would anticipate that other groups certainly could initiate things, but the Senate would get a chance to review it with respect to the Handbook.

Mr. Overby: All right.

Mr. Christopher: Anything further? Did you have another?

Mr. Overby: My concern is not with policy but with probable future legal ramifications and I just want to be certain what the intent is. On page 3 it says "the University Academic Council shall approve all University and program admission requirements, approve all new degree programs and all major changes in existing programs." The only thing that I'm concerned with, does this give the Academic Council a veto on Board action? If it does give them a veto, I don't think that's the intent. I commend everybody concerned with what you have done to the extent of getting the advice and input of relative segments of the academic community. I caution you, however, that unless it is clearly spelled out that it is advisory in nature and doesn't preempt the function of the Board of Regents that you are going to be entering not only into possible entanglements but also into possible illegal activity because the Statutes are quite clear as to who makes the final decisions in these matters. Now we talk about the Council shall formulate and shall in this case approve. If you're giving somebody an absolute veto over what the Board is saying, and I don't think that's your intent, but I'm not quite certain that it's stated this way.

Mr. Christopher: I don't believe that's the intent. Could that not be cured by a preamble to this?

Mr. Overby: There's not one statement in the preamble that the functions of these bodies, whether it's to formulate or review is clearly understood that it's advisory in nature only. If you do that then, I think you've cleared it legally. Otherwise, I have some problems with it.

Mr. Christopher: Mr. Foreman, do you want to comment on Mr. Overby's statement?

Dr. Terry Foreman: I wanted to ask Mr. Overby if some of the language in the preamble to this section, on page 2, the second paragraph in particular, might not speak to that matter.

Mr. Overby: It does, but that's where I think you get the ambiguity because you've got both types of statements. You talk in terms of recommendations etc., but we also talk in terms of University governance and shared authority. I don't think this Board shares its authority to the extent of the decision-making power. I think that authority is vested with the Board only and to the extent that their decisions are enhanced by receiving the input of the groups that are most knowledgeable and have expertise I think that's exceedingly wise. To the extent that you develop a custom of listening with great care to those recommendations I think that is wise. I think if you lead people, however, into the assumption that you are sharing the decision-making process itself then I think you're building yourself some probable sources of conflict.

Mr. West: Can I comment on that, please, Ron? The language that you find under 3.2 was taken from the current language in the current Handbook. Those are the things which this Board has previously assigned to the committees as they now exist. This is not a change from anything that we are doing now. These kinds of things have been assigned to the various committees now. The language that's under that section was extracted and made applicable to the Council so it's no different than the language you have now and the authority that's been delegated at this point.

Mr. Christopher: I think his point's well made. Unless there's objection, we ask Mr. Overby to draft a preamble to be inserted in the beginning of this, perhaps even before introduction. We're trying to make this as clear as possible so that no one gets any misunderstanding. Any objections to that? Does the Board think that ought to be done? Anything further? You still want to make the motion?

Mr. West: And I accept all the amendments.

Mr. Christopher: Your motion would be that the document setting forth the University Governance System subject to the amendments explained by Mrs. Page, Dr. Curris, and Mr. Overby, be adopted. Were there any other suggested changes? Dr. Howard, I believe you seconded it.

Dr. Howard: I seconded the motion.

Mr. Christopher: Any further discussion? All those in favor say, aye; opposed, nay; and those amendments would include a clarification on the election procedures. Motion passes.

Dr. Curris: Be an addendum to it.

Mr. Christopher: Is that clear, Dr. Posey, that you, Dr. Curris, Dr. Butwell, and whomever else has been involved will phrase that amendment clarifying the election process?

Dr. Posey: The initial election procedures?

Mr. Christopher: Yes.

Dr. Posey: Yes, and Mark McClure, I think, will want to be designated.

Mr. Christopher: And Mark. I think that understanding is clear.

The following document is the Academic Council Proposal as amended, including the addendum:

UNIVERSITY GOVERNANCE SYSTEM

1. INTRODUCTION

The establishment of the following University governance system by the Board of Regents of Murray State University is endorsement of the concept of shared authority and responsibility in the governance of the institution. Shared authority and responsibility are concepts which intrinsically require communications between appropriate elements of the University community in executing the University's statutory and institutional missions. A university per se employs many persons with knowledge and skills in many diverse fields. Shared authority and shared responsibility, through this committee structure, tap these resources for the good of the University. Each member of the University community, through this committee structure, may make a special contribution to the vigor and progress of Murray State.

All powers referred to in this document, whether characterized as the power to propose, formulate, review, or as otherwise stated, shall be considered as advisory in nature to the Board of Regents--SAVE AND EXCEPT as such powers may be lawfully delegated by the Board of Regents and have in fact been so delegated by this document.

1.1 Purpose

This policy establishes the University governance system of Murray State University and further establishes and specifies the purposes and membership of each of the Standing Committees. The committee structure promulgated by this policy is designed to bring the special talents and expertise of the various elements of the University community to bear on policy matters of vital interest.

1.2 Authority

The legislature of the State of Kentucky has vested the primary responsibility for the governance of Murray State University in the Board of Regents. The Board of Regents has in turn, delegated to the President of the University the responsibility of ensuring that the affairs of the University are handled in a manner which is consistent with the policies of the Board of Regents. This policy will serve the purpose of ensuring University-wide participation in the decision-making process on those matters which involve faculty, staff, and student responsibility and interest.

1.3 Ratification

This policy document was approved by the Board of Regents of Murray State University on October 24, 1981

1.4 Amendment and Review

Periodically, no less than every three years and no more than every year, the governance system shall be formally reviewed by the Faculty Senate, Student Senate, and the University Vice-Presidents, and amendments or corrections may be proposed to the Board of Regents for approval according to the procedures in the University governance system.

2. THE FACULTY SENATE

The Faculty Senate is empowered by the Board of Regents to act for the University faculty, with delegated authority to formulate and/or review policies regarding the educational functions of the University.

The Faculty Senate shall:

2.1 Initiate and/or review policies relating to University academic matters and make recommendations to the University Academic Council;

2.2 Initiate and/or review policies relating to the rights and responsibilities of faculty members incident to their employment by the University and make recommendations to the Board of Regents through the President and/or the appropriate Vice-President;

2.3 Initiate and/or review all changes and additions to the Faculty Handbook and make policy recommendations to the Board of Regents through the President and/or the appropriate Vice-President;

2.4 Receive, prior to its transmission to the Board of Regents, any alteration of a proposal acted upon by the Faculty Senate;

2.5 Act as the official channel of faculty opinion on all matters which have a bearing on academic excellence; and

2.6 Formulate its own rules and procedures in a manner consistent with its Constitution.

3. THE UNIVERSITY ACADEMIC COUNCIL

The University Academic Council is an agency created to assist the faculty and the administration in the discharge of their responsibility for academic programs. All matters relating to academic programs shall be considered by the Academic Council, whether such matters are brought to that body by the President, other administrative officials, the Faculty Senate, and/or Student Senate.

The University Academic Council shall make recommendations to the Board of Regents through the President of the University in cases where the Board's approval is required. In cases where the Board of Regents' approval is not required, the University Academic Council's actions and/or recommendations shall be transmitted to the President.

3.1 The University Academic Council shall consist of:

3.1.1 Two faculty members elected by each College faculty and the Library faculty (for staggered three-year terms);

3.1.2 The College Deans, the Dean of Libraries, the Dean of Admissions, and the Dean of Extended Education;

3.1.3 Six faculty members, not more than two of whom may be from any one College or the Library, selected by the Faculty Senate in accordance with the By-Laws;

3.1.4 Six student members, from different Colleges, selected by the Student Senate in accordance with its By-Laws; two nonvoting graduate students selected in accordance with the By-Laws of the Academic Council; and

3.1.5 The Vice-President for Academic Programs who shall serve as chairperson.

3.2 The University Academic Council shall:

3.2.1 Formulate and/or review all University academic policies;

3.2.2 Formulate and/or review all University policies concerning the University Libraries, the Computer Center, and other segments of the University which serve to support academic programs;

3.2.3 Approve all University and program admission requirements;

3.2.4 Approve all new degree programs and all major changes in existing programs;

3.2.5 Review and make recommendations on all proposals for academic reorganization;

3.2.6 Periodically review existing programs and admission requirements; and

3.2.7 Consider all other academic matters as requested by the Faculty Senate, the Student Senate, the academic officers of the University, and/or the Board of Regents.

3.3 The Academic Council will formulate its own rules and procedures subject to the initial approval of the Faculty Senate. All meetings of the Academic Council shall be open and the Academic Council may request the opinion of any

individual or group concerning any matter before the Council. The standing committees of the Academic Council shall include the Undergraduate Studies, Graduate Studies, and Library Committees. Members of the standing committees shall be selected in accordance with the By-Laws of the Academic Council subject to the provision that the Graduate Studies Committee be selected from members of the graduate faculty and in addition shall include the same two graduate faculty and in addition shall include the same two graduate students selected in accordance with 3.1.4 who shall be voting members of the Graduate Studies Committee.

4. THE UNIVERSITY COMMITTEE SYSTEM

4.1 General Operating Principles

4.1.1 Each committee shall keep minutes of each meeting and shall transcribe and maintain those minutes.

4.1.2 Each committee shall choose its own chairperson by May 15 from its membership, exclusive of ex-officio members. The chairperson has full voting privileges.

4.1.3 Ex-officio members of the committees, unless otherwise specified, shall have voting privileges.

4.1.4 Elections shall be held prior to April 1 of each year. Faculty and staff representatives to a committee, unless otherwise specified, shall be elected for three-year terms, beginning May 1. The terms of the elected faculty and staff representatives to each committee shall be staggered so that one-third of the faculty and staff membership is elected each year.

4.1.5 In the instance that there is no candidate for the position of elected faculty representative to a committee, the Dean of the College affected shall appoint that College's requisite faculty representative(s).

4.1.6 When student membership is specified for a committee, those student members shall be elected by the Student Senate for one-year terms from May 1 to May 1 on the basis of submitted applications.

4.1.7 Each committee shall have the authority to form subcommittees for the purposes contained in the charge to that committee and to invite other members of the University community to meet with the committee.

4.1.8 All committee meetings shall be open with the possibility of executive session.

4.2 Procedure

4.2.1 Each of the committees will submit its recommendations, decisions and/or policies as indicated in the description of the committee. In the event that the administrative officer disagrees with any one of these recommendations, a written response will be made within twenty (20) working days.

4.2.2 The Insurance and Fringe Benefits Committee will submit its recommendations, decisions, and policies to the Faculty Senate at the time they are submitted to the indicated Vice-President. The Committee for Institutional Studies and Research will submit its policies to the Faculty Senate at the time they are submitted to the indicated Vice-President. In these cases the twenty days response time in 4.2.1 will begin either when the Faculty Senate has forwarded its own recommendation or when thirty (30) working days have passed.

4.2.3 The Scholarship and Student Financial Aid Committee and the Student Development Advisory Committee will submit their recommendations, decisions, and policies to the Student Senate at the time they are submitted to the Vice-President for Student Development. The Student Senate may, within twenty (20) working days, make additional or counter recommendations. In these cases the twenty days response time in 4.2.1 will begin either when the Student Senate has forwarded its own action or when the time allowed for such action has passed.

4.2.4 At the time they are submitted, a copy of the recommendations, policies, and/or decisions of each committee will be forwarded to the President's Administrative Assistant. The copy will include a cover sheet listing the individuals to whom the Administrative Assistant will send, within one (1) week, an information copy. Certain committees, as determined annually by the Faculty (respectively: Student) Senate, will include the Secretary of the Faculty (respectively: Student) Senate on their cover sheet list. Exceptions: The Promotion and Leave Committee and the University Tenure Committee may not place the Secretary of the Student Senate on their cover sheet list.

4.3 The University Committees

Academic Appeals Board

Submits decisions, policies, and/or recommendations to the Vice-President for Academic Programs (or as indicated below).

Purpose:

1) To adjudicate appeals from students or faculty members relating to decisions made by administrators and/or faculty members on admissions, grades, and/or credits toward graduation. Such appeals should occur only after all collegiate appeals procedures have been followed.

2) To adjudicate appeals from students relating to decisions by administrators on suspension or expulsion for academic reasons.

3) To make recommendations to the University Academic Council relating to recurring curriculum problems which are not specifically dealt with in current policy and which may prevent some students from being graduated within appropriate time limits as determined by the committee.

Membership:

One faculty member elected from each College, one student, and ex-officio the Dean of Admissions and Registrar who shall serve as secretary and be nonvoting in adjudications.

University Tenure Committee (This committee is established by the Tenure Policy as adopted by the Board of Regents August 7, 1975, and amended February 21, 1976, and September 6, 1980.)

Submits recommendations to the President.

Purpose: (For further detail see the Tenure Policy)

1) Review tenure recommendations to ensure that the tenure policy, procedures and administrative guidelines have been observed uniformly throughout the University.

2) Consider appeals and make recommendations to the President.

Membership:

One faculty member elected from each College and the Library.

Promotion and Leave Committee

Submits recommendations to the Vice-President for Academic Programs.

Purpose:

Recommend University policy on academic personnel policies, including sabbatical leaves, leaves without pay, and promotions.

Membership:

One faculty member, holding the rank of full professor, shall be elected from each of the six Colleges and the Library to a three-year term (if a College or the Library does not have three full professors, then an associate professor shall be eligible for election); the Vice-President for Academic Programs; and the six Deans.

Committee for Institutional Studies and Research

Submits decisions and recommendations to the Vice-President for University Services.

Purpose:

1) Evaluate faculty research proposals and determine allocations of institutionally sponsored research funds.

2) Make recommendations for the development of the University research and institutional studies programs.

Membership:

Two faculty members representing separate disciplines, appointed by the Deans of each of the six Colleges, and ex officio the Director of Accounting Services.

University Student Appeals Board

Submits decisions to the Board of Regents, pursuant to KRS 164.470.

Purpose:

Adjudicate student disciplinary actions which could result in sanctions, suspension, or expulsion of a student for reasons of disobedience to University rules, contumacy, insubordination, or immoral conduct. See Student Life Policies, "Procedural Standards in Disciplinary Procedures."

Membership:

Six faculty members and three students appointed by the Board of Regents. Staggered terms are for three years, ending on June 30 of the final year. Student terms are for one year.

Intercollegiate Athletics Committee

Submits decisions, policies, and/or recommendations to the Vice-President for University Services.

Purpose:

1) To study and make recommendations concerning the total intercollegiate athletic program.

2) Recommend and evaluate legislation for the Ohio Valley Conference and KWIC/AIAW.

Membership:

One faculty member elected from each College, four students (two male and two female), four elected non-academic representatives, and ex officio the OVC-NCAA Representative, the Athletic Director, and the Chairman of the Department of Recreation and Physical Education.

Scholarship and Student Financial Aid Committee

Submits recommendations to the Vice-President for Student Development, who shall confer with the Vice-President for Academic Programs when necessary.

Purpose:

To coordinate scholarship and student financial aid activities for the University by:

- 1) Recommending guidelines for the scholarships administered by the Office of School Relations.
- 2) Coordinating scholarship activity between the Alumni Association, the Murray State University Foundation, and other non-academic activity or special talent groups.
- 3) Serving in an advisory capacity to the Student Financial Aid Office for regular University student employment, federally funded state aid programs, and information dissemination.

Membership:

One faculty member elected from each College, four students, and ex officio the Director of Alumni Affairs, the MSU Foundation representative, the Director of Student Financial Aid, the Director of School Relations, and the Faculty representatives to the OVC-NCAA and KWIC/AIAW.

Student Development Advisory Committee

Purpose:

- 1) To submit recommendations concerning the total student development program.
- 2) To formulate student life policies.
- 3) To serve as liaison between students, student services, and the academic community.

Membership:

One faculty member elected from each College, six students, and ex officio the Vice-President for Student Development or his representative.

Insurance and Benefits Committee

Submits recommendations to the Vice-President for Administrative Services.

Purpose:

To evaluate and make recommendations concerning group health and life insurance and other benefits for faculty, staff, and students.

Membership:

One faculty member elected from each College, one faculty member elected from and by the Department of Accounting and Finance, two students, four non-academic elected representatives, and ex officio the Director of Personnel Services and the Director of Purchasing.

Non-Academic Personnel Committee

Submits recommendations to the Vice-President for Administrative Services.

Purpose:

- 1) Review non-academic personnel policies and recommend revisions.

2) Receive complaints and grievances from non-academic personnel appealing decisions of the Director of Personnel Services, and recommend appropriate action.

Membership:

One appointed faculty member with expertise in management; the Director of Personnel Services (who shall be nonvoting in adjudication matters); and a cross-section of twelve elected non-academic personnel.

Security and Facilities Committee

Submits decisions and/or recommendations to the Vice-President for Administrative Services.

Purpose:

- 1) Review campus security and recommend appropriate policies.
- 2) Formulate parking policy.
- 3) Adjudicate faculty and staff parking violation appeals, either by committee or subcommittee.
- 4) Make recommendations concerning buildings and grounds.
- 5) Evaluate and make recommendations concerning the visual impact on the campus.

Membership:

One faculty member elected from each College, four students, four elected non-academic personnel, and ex officio the Director of Purchasing, the Director of Security (who shall be nonvoting on parking appeals), and the Director of the Physical Plant.

Advisory Committee to the President

Submits recommendations to the President of the University.

Purpose:

- 1) Advise the President on any policy recommendations that come from any University committee that would involve a decision by the President or the Board of Regents.
- 2) Advise the President on matters that affect the University as requested by the President or any member of the Committee.
- 3) Appoint ad hoc committees to study University problems not under a standing committee's jurisdiction.
- 4) Develop and update long-range academic plans for the University.
- 5) Submit recommendations for priorities relative to budgetary planning which are consistent with long-range academic plans.

Membership:

One faculty member from each College and the Library; two students; one College Dean; and three non-academic staff members, one each from: (a) Administrative Services, (b) Student Development, and (c) University Services; all appointed by the President of the University, who serves in an ex officio nonvoting capacity.

ADDENDUM

The initial selection of the fourteen faculty members to the Academic Council from the six colleges and the library shall be for four one-year terms, five two-year terms, and five three-year terms. This will provide for the staggering of these terms. The colleges and the library shall each be assigned one of the following pairs of initial terms by a random drawing--one and three years, one and three years, one and two years, one and two years, two and three years, two and three years. The random drawing shall be conducted jointly by the President of the Faculty Senate and the Vice President for Academic Programs. The colleges shall be told the initial terms drawn prior to nominating and voting for their college representatives.

The nominations and elections shall be conducted by the Vice President for Academic Programs and the election committee of the Faculty Senate. Voting shall be by secret ballot. The voting period shall be three consecutive days, and the polling place shall be the office of the Vice President for Academic Programs. Independent nominating and balloting shall be held for each position (long term and short term) in each college. Voters shall indicate their preference by rank ordering all names on each ballot with votes tabulated in accordance with the method of preferential voting (see Robert's Rules).

The first year of these initial terms will be considered as this current academic year.

Directors to the National Museum of the Boy Scouts of America, Appointed

Dr. Howard: As you may recall Mr. Christopher and myself were on a committee to review appointments for Directors to the National Boy Scout Museum from Murray State University, that being four in number. We considered names submitted to us by individuals, interested parties, etc. We do have recommendations today to the Board of Regents for the four members from the University.

I'll explain a little about how we developed this process. We felt that because of the ties of the Boy Scout Museum to the University it would be appropriate for a member of the Board of Regents to be on the Board of Directors of the National Boy Scout Museum. We also felt because of the changing nature of the Board that perhaps it should be an office rather than an individual. Our recommendation will be that the Chairman of the Board by virtue of his office be a member of the Board of Directors of the Museum.

Secondly, we felt because of the fact that the Museum is tied in with higher education in Kentucky and an appropriation is coming from the Legislature through the recommendations of the Council on Higher Education, our recommendation would be that the Executive Director of the Council on Higher Education by virtue of his office be a member of the Board. The current Executive Director, Mr. Snyder, has been contacted and said he would be delighted to be a member should we elect him.

We also felt because of the area in which we are located that we should have one member from Western Kentucky and one member from Western Tennessee. We had two excellent suggestions submitted to us, one being Mr. John Williams of Paducah, Kentucky, who has been very active in scouting for a number of years and is president of a computer firm. He also said he would be delighted to serve.

The second member we shall recommend from Tennessee is Dr. William Hoover, Paris, Tennessee. Dr. Hoover is a dentist and a graduate of Murray State University, Captain in the U. S. Naval Reserve and also has been on numerous scouting boards and been very active in scouting for many years in Western Tennessee. That is our recommendations.

Mr. Christopher: Are there any questions?

Mr. Carneal: I move the recommendations be accepted.

Dr. Settle: Second.

Mr. Christopher: Mr. Carneal moved the recommendation be accepted as presented by Dr. Howard and Dr. Settle seconded it. Is there any further discussion? All those in favor, please say, aye; opposed, nay; there being no nays, the motion passes.

Appeal Request from Dr. Donald Johnson

Dr. Curris: I transmitted to members of the Board a letter about three weeks ago indicating some difficulties that were there, and I think we're pretty much back where we've been. I don't know if it's appropriate to have any kind of recommendation on what to do. I want to preface my remarks by saying I sincerely feel that this matter needs to be resolved and that is motivated, I think, quite heavily by a genuine concern for the fact that Dr. Johnson has been held in some limbo for a considerable period of time. If I might phrase the issue at hand as I understand it, the Board has a Tenure Policy. That Tenure Policy identified two roles for the University Tenure Committee. The first role for the University Tenure Committee is to monitor the procedures that have been followed in the tenure process and to make sure that there has not been any violation of procedures in that process.

The second role for the University Tenure Committee is to serve as an appeals body with the discretion to grant a hearing on an appeal based upon certain criteria. In the instance before the Board, Dr. Johnson made an appeal to the University Tenure Committee. That appeal was dismissed without a hearing and at the risk of misstating his position it would be that the University Tenure Committee has not followed the Board's policy or the intent of that policy. Phrased another way, Dr. Johnson alleges that the University Tenure has not followed correct procedure. We've never had a case to the best of my knowledge under tenure in which a statement has been made or a case presented to the Board that says that the University Tenure Committee has not followed procedure. There have been other cases in which procedural violations were alleged, and the University Tenure Committee by virtue of its responsibilities has ruled on it. But the question now is what happens when the University Tenure Committee has been questioned for violating procedures. There's nothing in the policy per se that gives a ready answer as to who makes that judgment. Once again I do not wish to make policy for the Board, but it seems to me that the issue before the Board is whether the University Tenure Committee has violated the procedure, and if the answer is yes, what if anything should the Board do. And it seems to me once again that at this point the University Attorney, who is an advisor to the Board on procedural matters that come before the Board and who also represents the Board in any litigation that may arise, should be called upon to give his advice to the Board, and I do that with some trepidation in the sense that the Board may not want to have the advice of the University Attorney or may not feel that it's appropriate. I think, Dr. Howard, you were the only member of the Board now who was on the Board in the spring of 1974. In the spring of 1974 under a different tenure policy, there was a denial of tenure through the process and a faculty member who was denied tenure appealed to the Board. His appeal to the Board dealt with some commitments that he said were made to him. I believe were in writing, that he was entitled to tenure. The Board called upon the University Attorney to advise them with reference to the propriety of this procedure. If my memory serves me correct--I was not in the room at that time when the appeal was considered--Mr. Overby indicated that in his judgment that particular issue could be resolved negatively to the Board if it were taken under litigation, and as a result the Board voted to award tenure.

I would point out that at that time we did not have a University Tenure Committee and all the appeals had to come to the Board. I draw that analogy, as I look on it, that the University Counsel has served in the past to advise the Board with reference to procedural issues.

Mr. Christopher: Let me clear up what I passed out, so that Dr. Johnson will know, is a letter sent to me with a courtesy copy to you, Dr. Curris, from Thomas Forsyth. He included enough copies that apparently he wanted all members of the Board to receive one, and I assume you have received this letter, Dr. Johnson. No? Well, it's very complimentary of you and those letters have been distributed.

Secondly, to bring you abreast of where we are, as you will recall, we took action on this at the last meeting. At that time Dr. Curris was not present. He was in attendance at the meeting of the Foundation. We did not have the benefit of his input, but in a letter to me dated September 30 which he shows was sent to other members of the Board, he takes issue with the Board's

last action--that being that we referred the matter back to him for evaluation of his recommendation. My personal observation is that we get into a situation where just about anything that the Board does at this point can be interpreted as an expansion of the policy. That's the problem I have with it. I certainly have no problem in calling on Mr. Overby, which we did before, and would like to do again as to your advice, Mr. Overby, at this point, I think everybody on the Board, and I know many people in the administration are quite concerned about this matter. Many of us are growing concerned about the time that has been involved, and we all think that Mr. Johnson is entitled to some answer. Would you share with us your thoughts and comments in light of what you know about it and the remarks of Dr. Curris?

Mr. Overby: Number one, the '74 precedent was under a previous tenure policy. It was not under this policy at all. Number two, when Dr. Johnson first raised a question, I explained to the Board that we could formulate new policy or you could deal with an ad hoc situation in my judgment, and ask the Board once again to determine whether they had answered Dr. Johnson's question as to whether it had been litigated or the probable cause had been answered. They did not respond to that inquiry. Subsequently, and that's where we are at the present time, Dr. Butwell in a letter which I transmitted to you, Mr. Chairman, at the last meeting has raised some rather serious questions as to the integrity, and by integrity I mean whether or not the University Tenure Committee was compromised by bias and prejudice and whether or not one or two other factors that had entered into it would prevent them from handing down a proper opinion. Now that issue has been raised; it was the one you directed to the President at the last meeting. It seems to me the Board can do one of maybe three things, neither of which is covered by the present Tenure Policy specifically. Keeping in mind you can always make policy if you want to. My own personal preference from the standpoint of looking at the overall situation, considering fundamental fairness for Dr. Johnson, and considering an appreciation for the function of the University Tenure Committee, would be to say to the University Tenure Committee, this matter has come up subsequent to your determination, and it has; that we are concerned with fairness, that there be no question about it. Can you answer for us the one question; namely, are the allegations that have been made, in your judgment, correct. In other words, I would let them pass on initially whether or not one man should have participated in view of Dr. Butwell's allegations. If they are comfortable with it, then it would seem to me that it would end at that point.

The second thing, the Board can always direct the President to make or to change, you can direct anybody else to make a decision, it seems to me at this point if you wanted to. That might not be wise policy but nevertheless this is within your power.

Thirdly, you can take up, if you want to, as a Board, the allegations that Dr. Butwell has raised and then proceed from that point. If you do refer it back to the Tenure Committee, I would suggest that you indicate they should make a decision in the very near future. Give them enough time to get together, but by the same token Dr. Johnson is entitled to a decision and then report back to the body what their determination is.

Mr. Christopher: Mr. Overby, I think all of your suggestions are good except the overriding issue that strikes me--and I don't care to debate with you; you are the man that would have to handle these in the event of litigation--is that in any of those actions we may call it an ad hoc situation but how can you say that this would not be setting precedent and that any and all applicants or those who decide to go the appeal route as set forth in the policy would not then be entitled to this same process?

Mr. Overby: I didn't mean to indicate that it would not set precedent. What I'm merely saying that it is within your power to do it. I think maybe you could take another look if you wanted to, somewhere down the line, at the Tenure Policy. But it would set precedent, yes. Somebody can claim, but you dealt with it, just as has been the example raised this morning, but you said back in 1974, which was even under a different Tenure Policy, so no question but what it would come up again.

- Mr. McCuiston: If we referred it back to the University Tenure Committee for their review, if these allegations or discrepancies are founded, and they make a judgment that they are, they review the tenure of Dr. Johnson. If we referred it back to them on a one-time basis because of allegations or discrepancies, true this will set up precedents of-that, but we're doing it on an individual case each and every time, aren't we?
- Mr. Christopher: I take issue with that. This Board may say we are doing it for this individual case but then how do you justify that for the next fellow? At what point will the Board say, no, we don't consider those. You see the point?
- Mr. McCuiston: Yes, I see that.
- Mrs. Page: Didn't Dr. Curris say this is the first time that the Tenure Committee itself has been questioned? This is a different set of circumstances, isn't it?
- Mr. Christopehr: What I'm saying is, I'm not taking issue with what anybody said, I'm just concerned that there is some point when a Board opens its door to start receiving reviews of tenure recommendations over and beyond the positive recommendation of the President, the Board is getting into granting tenure without that happening. In other words under the policy and under any policy, as I understand it, and I stand to be corrected, the only way the Board can grant tenure and the only way the policy contemplates that the Board would grant tenure would be upon the recommendation of the President. If you think through that process, that's good sound policy and as it should be. Otherwise, at what point then do you draw the line? Where do you stop the Board from getting into granting tenure?
- Mrs. Page: I agree with you. I just think that we all have really bad feelings about this situation.
- Mr. Christopher: Yes, yes.
- Mrs. Page: It seems like there ought to be a solution.
- Mr. Christopher: I think it's always paramount, though, that the Board must look at the whole picture on down the road or the future.
- Mr. McClure: Maybe by making this statement and being corrected, if necessary, I'll more fully understand the situation at hand, but the Board makes the Tenure Policy. Therefore, the Board is the custodian of the Tenure Policy and by my understanding, the determination of the Tenure Committee was whether or not probable cause existed for the granting of an appeal. Correct?
- Mr. Christopher: Yes.
- Mr. McClure: There's very little question in my mind, in the mind of the public at this point, and in the mind of the University community as to whether or not probable cause exists for looking at this case one more time.
- Mr. Christopher: That's not the question. They've addressed that. We asked them to address that, and Dr. Loberger came back to us and said, yes, we addressed that question. Now the question is whether or not there were some discrepancies that may have occurred among members of that Committee that would have tainted or affected their ability to answer that question without prejudice.
- Mr. McClure: I'm getting to that. My point is if it views the case as having probable cause for review, is it the Board's responsibility to enforce that review or is the Board's responsibility to accept whatever the University Tenure Committee says?
- Mr. Christopher: That's the question that I think that's before the Board.
- Mr. McClure: I'm trying to make my point as I ask my questions because I want to step lightly. How often does a case come up with so many differing views and so many allegations? It's evident to me that probable cause does exist. From all my reading and all my investigations, it's possible and my point is I think it exists. There's a valid case here, and it should be pursued, and I don't think this Board should make any recommendation that's going to hazard a very speedy decision.

Mr. Christopher: Well, all I'm asking the Board to consider is that whatever we do here, I think as an attorney, sets a precedent and then anyone else behind Dr. Johnson who has gone to the University Tenure Committee and the Tenure Committee has found that probable cause does not exist has the same right to come to the Board and ask that "that process" be reviewed by this Board.

Mrs. Page: We can always say, no, under a different set of circumstances.

Mr. Christopher: That's true, but it's an expansion of the policy. That's always been my argument.

Mr. Morgan. Mr. Chairman, I have seen a lot of correspondence concerning this, been at the meeting and heard concerns, and I think documentation of much support for Dr. Johnson that I understand what you're saying, but I find myself in a position that I don't know what the allegations are. I don't know the various concerns the Tenure Committee had to deny tenure to the gentleman. It appears that we've gotten into a situation here that is of great concern to all of us. Certainly, we want fairness to be the end result and I don't know how we as a Board here can sit and discuss this. I don't know what the allegations are, and if we've got a situation where apparently there are allegations that a committee may have acted differently than what they were commissioned to do so, then it may be that the Board will have to set a precedent or enter into it. We become the ultimate authority.

Mr. Christopher: No question but what we are the ultimate authority. I've received numerous letters from various faculty members and people outside the University that have said, look, why doesn't the Board of Regents take the bull by the horns and tell this man whether he's to get tenure or not. That's the way most people see it. But I think anyone who examines the policy or appreciates any of the history of tenure doesn't really want the Board to get into that situation.

Mr. Morgan: And I don't think the Board wants to get into that sort of thing on a day-to-day basis either,...

Mr. Christopher: I don't think the University wants us to either.

Mr. Morgan: but we may have a situation here where if we had some facts or at least some evidence presented, a fact-finding--maybe the Board needs to...

Mr. Christopher: Well, let me clarify one thing. Dr. Loberger's committee is not faced with the question of whether or not Dr. Johnson should or should not be granted tenure. They would review the process that he has gone through to say whether there were any discrepancies or whether he was treated fairly in the process. Is that not correct, Dr. Loberger?

Dr. Gordon Loberger: Our committee is essentially a watchdog committee over the procedure involved, not necessarily any allegations or a recommendation for tenure.

Mr. West: Let's look at the precedent that we would be setting here if we did anything, and I'm not sure even at this point that's the correct route, but what we have here is an alleged deviation from the policy, and we've been asked to look at that deviation. Now, in the past, I think by policy the Board relied or directed the President to look into those kinds of policy things--the supervisory thing over policy. In this case, Dr. Curris says he did not feel comfortable or did not feel it would be appropriate to do that. So, if the Board did anything in this case the precedent that we would be setting would be that with respect to policies that we adopt if we review those policies and find that actions are not consistent with the policy, then the Board can formulate an appropriate remedy. I don't know what the remedy is but that would be the precedent as I see it, akin to Marlborough versus Madison when we set up judicial review. Whether this Board wants to do that or not, I don't know. I don't see it as being that big of a problem.

Dr. Howard: Believe it or not, I think when I started on this Board we were operating under a 1940-something Tenure Policy, and I appreciate what you're talking about. I certainly want to see that Dr. Johnson gets a fair hearing and a speedy and swift one, but at this point in time, Mr. Christopher, anybody that was not recommended for tenure could appeal directly to the Board of Regents. Consequently, everybody appealed to the Board of Regents. You have to remember the times; now after that point, we were getting more and more students and more and more faculty members, and it had really never

been a problem. Suddenly it became a problem, and it didn't take the Board long to realize they did not have the expertise for tenure hearings. Scholarly writings in various fields did not really mean a lot, and we didn't really understand these things. I think that evolved the tenure process, realizing we as laymen did not have sufficient background to make decisions like this. I can certainly appreciate exactly what you're talking about perhaps more than some here, and we certainly don't want to get back into the role of being the appeals board for every tenure case that comes before the University.

Mr. Christopher: And I think that's the issue before the Board now.

Dr. Howard: Exactly, that's the issue.

Mr. Christopher: You look at the policy, and that's what I was saying at the last meeting. My suggestion was that it goes back into the policy itself as it is presently set forth, but I can appreciate where Dr. Curris is coming from. He's saying your throwing it back into my lap, the way I see it, and you're asking me to reevaluate again. But I think it's a question of whether the policy should be one where the watchdog for the whole process is within the structure that is set up or do you go outside of that structure and let this Board be the watchdog over it all.

Mr. McCuiston: Has the University Tenure Committee reviewed the allegations and made a report to us on internal review?

Mr. Christopher: Two meetings ago we asked them if they in fact did follow the guidelines in determining probable cause, whether there was probable cause to grant their hearing. They responded to that and said that they did not find probable cause. But that has not addressed the question of whether or not there were discrepancies or actions or things that happened to the people that constitute that committee prior to that hearing. There have been allegations that there were people on the University Tenure Committee that made statements or perhaps participated in prior activity that would have affected their ability to have answered.

Mr. McCuiston: Would that have showed up in this review that we asked them to make?

Mr. Christopher: No.

Mr. McCuiston: Why?

Mr. Christopher: Well, not necessarily, because that goes to the individuals that make up the committee, but I think there's a broader, overriding issue. Perhaps it's getting too complicated. It's just a matter of whether this Board wants to put itself in a position where at some point it begins to oversee how the policy is carried out. I think that's probably what it boils down to.

Mr. McCuiston: If we refer it back to the University Tenure Committee to review the allegations, and then report back to us if the allegations are true or false, then at that time we could review that, couldn't we?

Mr. West: Ron, I have a question on one thing. I was under the impression that the Board just by its very nature always looked to see if its own policies were being followed. You're not suggesting that we shouldn't do that, are you?

Mr. Christopher: No, I'm just saying that I think the Board should be very careful in saying at what point it intervenes.

Mr. West: I understand.

Mr. Christopher: Yes, Dr. Johnson.

Dr. Johnson: I would just like to make a couple of observations and maybe some suggestions from my point of view. I haven't heard anything that indicated to me that there was any need to expand or make policy although I have heard concern about expanding and making policy. I just heard Professor Loberger say that his committee was primarily concerned with seeing that procedural

processes were followed. But the Board policy clearly states that it's the University Tenure Committee's responsibility to check on whether policy, procedures or guidelines have been followed, but he just told us they concern themselves with procedures. So that in itself would seem to indicate that policy wasn't followed. In my letter to the Board on the 5th of October, I pointed out that the concluding sentence of Paragraph 2 Section 4, Page 7 of the Tenure Policy states that upon request by a member of the Board of Regents he, referring to the President, shall provide the rationale for his decision not to recommend tenure. And this sentence seems to imply that if the Board's not satisfied that the rationale speaks to the questions which may exist regarding policy or guidelines that the President could be asked to reevaluate his position and to see that the Board was presented information necessary to satisfy any questions they might have. I think and hope that this issue can be resolved if the members of the Board were to form a subcommittee or direct the President to join me and other concerned parties to review the Tenure Policy not with an idea to change but just what does it say and my fitness based on the established criteria. There was a meeting within the college last week explored a search for my replacement. What were we looking for in replacing me. And there was considerable evidence that my tenure evaluation is closely linked to differences of opinion on how Hancock Biological Station should be utilized and what this requires, rather than my faculty performance which is supposed to be the basis for a tenure decision. And I think it would be good if the Board reviewed that influence, and again I hoped that we could get to just looking at the criteria. I don't think we had concern expressed about determining fine distinctions between scholarly contributions, etc. I don't think that's involved here. I don't think anyone has an issue with this or that regarding the criteria. It seems that the issue was just were the criteria utilized or weren't they which would seem something that would be simple to resolve. And I would hope that it could be. Thank you.

Mr. Christopher: Thank you, Dr. Johnson. What's your pleasure?

Dr. Delbert Wylder: I'm Deb Wylder of the Chairman of the English Department and the President of the local chapter of the American Association of University Professors. Jonathan Knight from the National office has received all of the papers that we have been able to put together and send to them. The group at the national office has reviewed closely this case. They have contacted us and they are very concerned and troubled by the inability of a faculty member at Murray State University to get a hearing and to get some information on if he was denied tenure what the reasons were for denying tenure. Dr. Johnson has not been given the rationale for the denial of tenure. Mr. Knight suggested that the Board of Regents, according at least to their legal opinion, could create a subcommittee to review Dr. Johnson's candidacy according to the criteria that Murray State University has approved or respectfully to redirect the President to once more review this particular case. Thank you.

Mr. Christopher: Does anyone else on the Board have any thoughts about this? Your recommendation, Mr. Overby, is to treat it as an ad hoc situation, send it back to the University Tenure Committee with the suggestion that they inquire as to any discrepancies that may have occurred among any of its members?

Mr. Overby: This falls within the range of a situation that is not covered. This Board has already gone beyond the requirements when it sent it back the first time. I would hope that I made that clear. Number two, if it goes back again, it will be as an earnest and good faith on the part of the Board to treat everybody fairly. Now, I think it will be excused to the extent that it was based on facts which were alleged after all of this other took place. I don't know whether you shared the factual allegations with the Board. Dr. Butwell indicated they could be shared in public session or in private. I gave it to you for your discretion. But one of the bits of information that was obtained by Dr. Butwell was obtained prior to the meeting of the Tenure Committee, which would be one reason, legally speaking, why maybe it was raised too late as of that point. I was thinking primarily in terms of letting the Tenure Committee decide its own integrity from the standpoint, was it "tainted" by impermissible bias of one member or possibly two? Let them make that determination initially. If they are comfortable with it, then I'd recommend that this Board be comfortable with

it because we've gone beyond the requirements as of this moment. I think we will have fulfilled our obligation. We could have the last time had we said, initially when Dr. Johnson came here, that we followed the procedure, this is the decision, your next step is the federal court. I hesitated a little bit because it was unique, and I thought that possibly there was no point in putting him to that problem or maybe the University because although I'm your advisor you're the ones that are going to be sued. Now keep that in mind, probably if it gets to that point, in your official capacity and in your individual capacity. I don't feel all that disturbed about it from the legal standpoint but by the same token, I can't tell you what to do in connection with this. I would feel comfortable with sending it back to them to decide that one question.

Mr. Christopher: Is there a motion to that effect, or are there other questions?

Mr. Carneal: I would like to ask Jim, that one specific point you wouldn't expand that to any other review by the Tenure Committee?

Mr. Overby: I wouldn't, Bill, for the reason that I think that would be going further than we would need to go.

Mr. Carneal: All right, but you said, "going further than we need to go," but is there reason maybe to go further than we need to in all fairness, etc., in this particular case?

Mr. Overby: If the Tenure Committee was of the opinion that its prior determination as to whether there was or was not probable cause was impermissibly tainted by the allegations that Dr. Butwell has made subsequent to its decision, then in that event it could reconsider the question of probable cause with its current membership and with the taint removed. They don't decide issues of criteria as it's been suggested here. I would have to say in all fairness that we fought this battle with the AAUP back several years ago, as to whether or not reasons should be given. That's as far, Mr. Carneal, as I personally would go.

Mr. McClure: I'm a little bothered by something it seems we're getting ready to do here. If we're setting that kind of precedent that means the next time I get a parking ticket on campus, I'll get to decide whether or not I'm guilty of it. I don't understand why we're sending it back to the body that's alleged to have acted in some manner of misconduct. I don't understand that process. It seems strange to me.

Mr. Christopher: Well, because

Mr. Overby: It was not directed to their attention at that time; Dr. Butwell directed it to their attention later. I would just give them first crack at determining because it is on an individual. I could be wrong about that, Mr. McClure; that's just my gut feeling.

Mr. West: Procedurally, the section of the policy that was quoted by Dr. Johnson regarding the Board having access to the files, requesting that from the President, and that whole process, was there any wisdom in that particular route?

Mr. Christopher: Well, there may be, but again I think you set the precedent.

Mr. West: That's in the policy.

Mr. Christopher: I understand.

Mr. McCuiston: Didn't we expand the policy by sending it back to that Committee? Haven't we changed policy already?

Mr. Christopher: Yes, but on a very limited basis.

Mr. McCuiston: Well, we are limiting the basis that Jim's recommending that we send it back again.

Mr. Christopher: Fine. I just want to be sure that the Board understands what it's doing. Whatever this Board wants to do is fine.

Mr. Carneal: If there's anybody here that understands the Tenure Policy, it ought to be Steve. If I were involved in it down here, I would know every line; I guarantee you. What do you think at this time, Steve?

Mr. West: I thought what we did at the last meeting was appropriate. I did not view that as a request for a reevaluation. I viewed that as a request to the chief executive officer to look into whether or not the policy had been followed, which there's a separate policy that calls for that. Additionally, under the policy itself, you as a Board member have a right, in the case for a tenure denial, to ask for the file from the President and to review that. Now, if you can't take any action based on looking at the file, then that clause in the policy may not be worth much. So I guess the argument could be made very easily that certainly if you have a right to review that file that carries with it some responsibility. That responsibility could be asking the President to "we've reviewed this, would you please consider these things," or it might even include...

Mr. Carneal: Or we could come back and say we need to change the policy.

Mr. West: That's right; change the policy.

Mr. Carneal: ...a situation that is not adequately covered.

Do you find problems with the policy as it exists today?

Mr. West: There are some things I would certainly like to see changed; yes, but we went through this a year ago.

Mr. Christopher: And you know, we discussed some other changes.

Dr. Curris: May I interrupt for a second, Steve?

Mr. West: Sure.

Dr. Curris: Not being here at the time the discussion occurred at the last meeting, the only thing I could go on was what was on the tape. Okay? And the tape indicated and I quote here because I put it in the letter that I was asked to "reevaluate my recommendation on Dr. Donald Johnson." And I responded that would be inappropriate according to the Tenure Policy for the President to reevaluate his recommendation. What you said today is a little different. What did you say, today, that you thought I would be asked to do?

Mr. West: Well, look into 1) whether the policy had or had not been followed by whatever committee based on the information that you presently had or information which you received. Then, of course, 2) I think after review that could carry with it several possible recommendations on your part. You would come back and recommend to the Board a) there are some problems, I think he ought to get a hearing; what do you think? or b) you could come back and say, there are no problems, and I think we ought to leave it like it is; or c) you could come back and say, I looked at the whole thing again, and I'm going to recommend Dr. Johnson for tenure. I think there are all kinds of possibilities. That's what I had envisioned.

Mr. Christopher: That does keep the Board out of it, but you still have problems with that.

Dr. Curris: Let me make my position clear on the issue. I think it is a violation of the Tenure Policy for the President to have a reevaluation of his position. That was addressed in June and the only way you can have a reevaluation of the position of the President regarding tenure is after he receives a report from the University Tenure Committee. That's what the policy says, the University Tenure Committee grants a hearing, gives a report of its hearing and any recommendations to the President, and at that point the President can reevaluate, and I have no problems with that. I think any other reevaluation would be a change in the policy which as has been frequently discussed is an option of the Board.

Mr. Christopher: Excuse me, but that's what I'm saying. I think what we're saying then is the issue boils down to should the policy be expanded where the Board is going to be more active, however limited it may be, in this tenure process? Or is it better that the policy is expanded such that to put it back with the President. I think that's kind of where we are, isn't it?

Dr. Curris: Okay, let's forget the issue of whether Dr. Johnson should be granted tenure. That's not the key appeal at this time.

Mr. Christopher: Right.

Dr. Curris: The key appeal at this time is whether he should have or should receive a hearing. That's the issue and at this point I basically see three options, four options on the part of the Board. One option is to say we have followed the policy, and we do not feel any obligation to do anything else; that's option one. Option two would be for the Board to involve the President to look at the issues or to make some kind of judgment as to whether he should receive a hearing. That does not conflict with the Board's policy. The third is to ask the University Attorney to make a recommendation as to whether he should have a hearing. The fourth is for the Board to decide on the basis of the information it has that he should have a hearing. The fifth is the option presented by Mr. Overby that the Board ask the University Tenure Committee, would you look again at your decision in light of the allegations that have been made and you make a decision again as to whether you think he ought to have a hearing. As I see it those are the five options and...

Mr. McCuiston: The allegations are made against the University Tenure Committee. Looks like they ought to have a chance to verify or not those allegations.

Mr. Woodall: What would be wrong with the University Tenure Committee reviewing the case again and making a recommendation to Dr. Curris for his review again?

Mr. Christopher: Nothing. Not a thing. Maybe this whole thing is getting completely out of proportion. All I ask is that the Board be sure that it appreciates what it does in that it will set precedent for others. We can call it ad hoc; we can say it is limited circumstances; but I can guarantee you that the next guy will be knocking at that same door. If he doesn't, he's foolish.

Mr. McCuiston: If you refer it back to the University Tenure Committee, then from there it goes where, Dr. Curris? To you, to the President?

Dr. Curris: It depends on what you ask the University Tenure Committee to do. If you follow Mr. Overby's advice, suggestion, whatever that you ask the University Tenure Committee to look at the allegations that were expressed in the letter and decide whether they are valid. In other words, give them the opportunity to address the integrity of their own process, then that would come back to the Board.

Mr. McCuiston: Would it come through you?

Dr. Curris: No, it would come straight back to the Board. On the other hand, if the University Tenure Committee is asked to give a hearing, and they give a hearing, then the results of that hearing which would deal with the substantive issue of the granting of tenure, that recommendation according to the policy would come to me.

Mr. McCuiston: I move that the matter be referred back to the Tenure Committee to review the allegations as contained in the letter of Dr. Richard Butwell, Vice-President for Academic Affairs, and if they found two things to exist; A) if they were correct and B) that they were sufficiently significant so as to impermissibly taint the integrity of the Tenure Committee process, then in that event they would address themselves to the functions of the University Tenure Committee which would be to decide the issue of probable cause or the alternative, to decide whether there was a hearing.

Mr. Christopher: Is there any further discussion? Yes, Dr. Johnson.

Dr. Johnson: The University Tenure Committee has looked at this three times. Once before I went to the President and twice since the recommendation was lacking on my appeal. The Chairman of that Committee just told the Board that they concentrated on procedural details, didn't say anything about policy and guidelines, which already tells you, besides the allegations which I think I'm aware of, but I haven't seen the letter, whether they are true or false. The other thing is that as Mr. Overby says we send it back, it's sent back to the Tenure Committee so that they can have a first crack at whether these allegations are true or not. What I hear as somebody who

would like to do my job is at least months more of this. It seems like the Tenure Policy provides a quicker way to do these things. For one thing the Tenure Policy says that the University Tenure Committee, all of this theoretically is supposed to occur within 120 days of the letter of non-reappointment. It's already 150 days, so everything's been expanded, been squeezed around, etc.

Mr. Christopher: Dr. Johnson, I agree with you in total. I think from what I hear around this table everyone else does also. It's just that this Board must face an even broader issue, and all we can ask is that you appreciate that.
Dr. Loberger.

Dr. Loberger: I'd like to clear up one thing. First of all, the University Tenure Committee considers following the policy and implementing the policy as the Board has written the policy to be part of our procedural considerations. Secondly, if I hear this motion correctly, if the University Tenure Committee is composed of men and women of integrity, Dr. Johnson gets no hearing. But if we lack integrity, Dr. Johnson gets no hearing. It seems to me that Dr. Johnson is going to come out on the short end of that deal. There seems to be a paradox here. One thing more. I am concerned about the fact that this Board is dealing with an individual in a certain manner because sometime in the future some other individual may come knocking at the Board's door. Why doesn't this Board deal with this individual especially since I heard at least one member of the Board say that the Tenure Policy should be modified anyway. If the Tenure Policy is indeed modified, then that should preclude future faculty members from coming to the Board with the same kind of situation that Dr. Johnson is facing. It would seem to me that this Board could do something one way or the other in Dr. Johnson's case as a separate case. Thank you.

Mr. McCuiston: I'd like to put a time limit of a week or ten days on that in order for them to report back so that we can get this going.

Mr. Christopher: Well, we're talking about meeting in Bowling Green on the 21st. That would be the earliest that this Board would probably get to it.

Mr. Carneal: What about the next Board meeting.

Mr. McCuiston: Well, the recommendation from this Committee ought to come back to you so that we will have it by the 21st then.

Mr. Christopher: Very well. Is there any problem Dr. Loberger in your committee having met and announced its findings within two weeks at the most?

Dr. Loberger: I am not certain whether or not that would cause a problem with the other members of the Committee, but you understand that we don't know what the charges are. The charges were levied after we made our recommendations or after we made our report to the Board.

Mr. Christopher: Well, wouldn't that be appropriate for Dr. Butwell to inform them of the charges?

Mr. Overby: Either that or the Chairman whose already addressed it to the Board.

Mr. Christopher: I don't have that letter. Yes, Dr. Butwell.

Dr. Butwell: Mr. Chairman, I think when Dr. Loberger says that the Committee does not have a copy, he means just that, the Committee. He does as a result of a request of me have a copy, and I have no problems from the first working day on meeting with the Committee. So if you are saying if the Committee is available and I don't know that they are and Dr. Loberger doesn't either, but if they want to meet on Monday, I could meet with them Monday if they want to meet on Tuesday, but Dr. Loberger is aware in general terms of the questions that bothered me. He is correct that the members of his Committee do not, but I see no reason for delay from the vantage point of my office.

Mr. Christopher: Yes, sir.

Dr. Loberger: I requested of you the document that was submitted to the Board by the University Attorney at the last meeting and received no answer. So I requested of Dr. Butwell a copy of that same document. Instead of sending me that document which has specific charges, he sent me a document which was dated October 6 which has vague allegations. We don't have specific charges; we don't have specific individuals named, and we have no idea of witnesses. We do not have the charges.

Mr. Christopher: Okay. Well, Dr. Loberger, I apologize. The letter was handed to me at the last meeting and then was taken back by someone. I think the letter was handed to me by Mr. Overby or Dr. Butwell, and then the letter went back. I don't have the letter.

Mr. Overby: I think I have a copy.

Mr. Christopher: Is there any objection to that letter being supplied to the Committee?

Dr. Butwell: Mr. Chairman, I have no objection to your sharing that with the Chairman of the University Tenure Committee. I guess what does bother me, and I would like to say this if I might, is that the problems of errors of judgment, as I would call them, that were known to me before first taking pen in hand and to making an inquiry of the University Counsel, Mr. Overby, were not shared because I did not want to get into the business of saying, hey, this is an objection I would have respecting the activities of members of the Committee. I thought the central issue was whether or not there was probable cause and wanted to see that drama enacted. I have no problems at all with meeting with the Committee and naming chapter and verse, but I hope that we do not delay the review of Dr. Johnson's circumstances until we resolve this other question because I think what we are doing, not necessarily the members of the Board but various persons who have addressed the question from time to time in writing and otherwise, is looking at everything except the central question, and that is whether or not there has been an ample opportunity to indicate probable cause. I certainly would agree very strongly with the point made by Dr. Loberger that the Board would rectify the question of precedent by significantly correcting any deficiencies in the policy so that what is done in this instance and this instance alone just wouldn't apply to subsequent cases, but so be it.

Mr. Christopher: Just a second, and I think maybe we can resolve this real fast. If you will be willing to withdraw your motion, Dr. Curris has consented to withdraw his objection and will accept looking at the overall process and making determination whether in his opinion discrepancies have occurred. I assume if you find that they have in fact occurred that may affect your recommendation; or you will make suggestions to the Tenure Committee as to what it should do. In other words, we could just leave it as it was, and the President certainly has the power to take whatever action he deems appropriate as I understand the policy.

Mrs. Page: I think that would be much better.

Mr. McCuiston: Dr. Curris, do you think you can have this done by the next Board meeting? Three weeks or a little over four weeks? I withdraw my motion.

Mr. Christopher: Motion is withdrawn and we are where we were at the last meeting with the exception of the benefit of what's been discussed today.

Dr. Curris: I think the issue is that it's not being referred to me to reevaluate my recommendation, but for the purpose of evaluating the procedures that were followed.

Mr. West: You have no problem with that according to our policy?

Dr. Curris: No, I don't think that violates the policy. Jim, you don't see that violates the policy, do you? Yes, he does?

Mr. Overby: I reserve judgment, but I'm happy to see that it's been resolved.

Dr. Curris: Let me make an announcement. I just want to deal with it right now. I want to make a very quick response. I think there are three key issues here. One is the integrity of the process. One is the integrity of people in the process and one is fairness to Dr. Johnson. Based upon those things, and I presume by consensus it's now been thrown to me, I want to go ahead and deal with it right now.

Dr. Loberger, I would like to ask the University Tenure Committee to grant a hearing to Dr. Johnson. I want to explain why I want to ask that. First of all, I do not dispute any of the conclusions or findings made by the University Tenure Committee in the process thus far. I want to make that

absolutely clear. I have no quarrel with any judgment that has been rendered by the University Tenure Committee on this issue. I am motivated by two concerns. First of all, for reasons that no one person, group, Board have addressed the issue has drug out over a period of time. Secondly, as an abundance of fairness, as an abundance of fairness, let's give the man a hearing. That's my concern just as an abundance of fairness, and I trust the integrity of the Committee that they will give him the hearing. And thirdly, I must say that I am to some degree concerned that in these difficult times for this University that as the issues have been discussed and evolved we are coming to questions dealing with integrity of a group of individuals, and I would like to avoid moving into the direction of where one person or group of individuals questions the integrity of another group. I would like to get that behind us, and I would request, not direct, but I would request the University Tenure Committee to grant a hearing to Dr. Johnson in accordance with the Tenure Policy recognizing that as that Tenure Policy was interpreted by the Committee they made their judgment with which I do not quarrel that probable cause did not exist.

Dr. Loberger: The University Tenure Committee will consider that request at the earliest possible convenience.

Dr. Curris: Thank you.

Mr. Christopher: Very good. Thank you to everybody, and I am glad that we have something resolved.

Athletic Tickets, Discussed

Mr. Christopher: We have an Executive Session scheduled, Report on Proposal of Settlement of Matters that have been discussed at previous meetings. We need a motion that would address that more specifically.

Mrs. Page: May I bring up something else before we do that?

Mr. Christopher: Yes. Sure.

Mrs. Page: I really didn't know at the last meeting that I was opening a can of worms with the proposal that the Regents pay for their athletic tickets. But I want to bring it up again. I just think we ought to pay for our athletic tickets. Past, present, and future.

Mr. Christopher: Okay. It's not that it was a can of worms.

Mrs. Page: It was though. I found out later.

Mr. Christopher: It's just that it's been a matter that was discussed a few years back. That came up before in that the University had a policy where they gave retiring members of the Board tickets to certain athletic events, and that became somewhat burdensome in that a good number of seats were being taken up on a complimentary basis that could have brought revenue into the University.

Mrs. Page: That's my point now.

Mr. Christopher: I think it's a point well made, and I might say, Mrs. Page, that I've joined the Racer Club and have made contributions over and beyond what was required and I know other members on the Board have, too, but you get into that question also. But I think the paramount question is I question the priority of this Board voting itself any type of gratuity. I know you are saying well you know you ought to pay for them but what I'm saying is I think the Board then is voting itself the tickets, and I think what was decided before was that is a policy left up to the University. Your point is well made. I'm just suggesting that perhaps you could say to the other members of this Board, look, fellows, I'm going to pay for mine, why don't you all pay for yours, too, or something. Would that be sufficient?

Mrs. Page: Why vote not to give ourselves a gratuity? When we're talking about charging the students for tickets, and we're talking about charging the faculty full price for tickets, I just think it's hypocritical for us to sit here and accept free tickets. Why not pay for them?

Mr. Christopher: That's what I'm saying. If the tickets are offered to you, and I hear what you're saying, and I think perhaps the better prerogative would be to say, gentlemen, why don't you pay for your tickets if they give them to you.

Mrs. Page: Well, what do some other people think? I'm new on the Board.

Mr. Christopher: Of course it rests with... I buy tickets.

Mrs. Page: I know that other people do, too, but I think as a matter of policy...

Mr. Christopher: I don't think that it's fair perhaps..Mr. McClure may be willing to this year, but other students on down the line may not be in that position, or there may be members on the Board that may not.

Mrs. Page: Well, I had mentioned before possibly excluding the Student Regent.

Mr. Christopher: Well, there may be other members also, Mrs. Page; again, it's one of those issues.

Mrs. Page: Well, how does anybody else feel about it? Am I the only one that thinks we should not get free tickets?

Mr. Morgan: I disagree with your thinking. I pay for my tickets. I contribute to the Racer Club. I pay far and beyond what I receive.

Mrs. Page: Well then, why not just vote not to receive them?

Mr. Morgan: I just think it would be poor policy. When we do that, then we are going to start charging ourselves for the luncheons we have when we meet.

Mrs. Page: If times get much worse, maybe we ought to pay for our lunch.

Mr. Morgan: There's a lot more involved than just athletic tickets. Dr. Curris has people in for lunch before football games, and the University pays for those. You participate in those.

Mrs. Page: That's different.

Mr. Morgan: No. It's not different. It's still money out of the University fund; the University's paying for it.

Mrs. Page: Okay. My motion is that Regents pay for their athletic tickets. If anybody wants to second, all right; if not, forget it.

Mr. Christopher: Dr. Howard, you may want to elaborate. This is one of those things. We've had a committee in the past...

Mrs. Page: I know. That's what I said. It's a can of worms, but I still think the Regents ought to pay for their tickets.

How many people even use their tickets. They give them to other people or don't use them, and they are sitting there empty and they could be sold for money which we need.

Mr. Christopher: The other issue that I think arises is that where those seats are, are the seats that have been set aside for the Racer Club. Are you also going to require that they make a Racer Club donation? Some members on the Board do, and I think that some don't. I don't question anybody's decision whether they do or don't, but I think that's the next issue that needs to be addressed.

Mr. Carneal: Ron, couldn't we possibly have at a subsequent meeting--and, Sara, if you get a second, or I second, I'll vote for your proposal. I'll tell you right now-- a report on what is being done today to all of the athletic events. I was here when we discussed it before, and we went through a lot of ramifications about who got tickets and notify them, do you want your tickets. I really don't know what the policy is today, how many complimentary tickets are given out to each game.

- Mrs. Page: I think Jerry's committee probably is already looking into that. For us to take free tickets when we are cutting back on everything else, I just think it's a bad image.
- Mr. Carneal: I don't disagree with that, but maybe when we take the action as far as this Board is concerned, we might want to take action as it relates to some other areas, too, in conjunction with that.
- Mrs. Page: Well, I agree. I think Jerry's committee is probably going to do that anyway, but I think we ought to face up to our own responsibilities and vote ourselves not to get free tickets.
- Dr. Settle: I would like to second Mrs. Page's motion, but I wonder if we shouldn't look at the total scope of what benefits we get in reference to retired Regents. The way I understand the policy, the retired Regents have the option to purchase tickets.
- Mr. Christopher: We changed the policy at that time, but we questioned among ourselves whether we should even be adopting such a policy, if you will recall.
- Dr. Settle: Right.
- Mr. Christopher: We questioned the priority of this Board even addressing the question of whether it should vote itself the right to any kind of remuneration of that sort.
- Dr. Settle: It wasn't remuneration. We voted ourselves the right of choice...
- Mr. Christopher: Well, but it's more than the general public has. That's what I question.
- Mrs. Page: But if you vote not to take it, you're not voting to...
- Mr. West: Could I ask a question?
- Mr. Christopher: Yes.
- Mr. West: Symbolically, I am all in favor of your motion, but you did mention at one point making it retroactive. I hope that's not included in this motion because had I been offered the chance to take them or not to take them, I would not have taken them, and what selected games I would have gone to, I would have sat up on the top row. I cannot afford to join the Racer Club and do all those things so I hope it will not be included retroactive. I think Mark might have the same problem.
- Mr. Carneal: I would say that both the student and faculty regent be excluded.
- Mr. West: I'm not asking to be excluded.
- Mr. Carneal: I understand you didn't, but I suggest that both be excluded.
- Mr. Christopher: Let me do this. Let me assign the question to this Athletics Committee. I think the question you're addressing is overall cost, shortfall, and cutbacks etc., and the necessary result there...
- Mrs. Page: We ought to face up to our own responsibilities.
- Mr. Christopher: and ask that with the benefit of the University personnel that are on your Committee, Mr. Woodall, perhaps some suggestions or guidelines would come forth.
- Mr. Woodall: They've already eliminated quite a few. I forget the dollar amount that's anticipated this year by cutting back on complimentary tickets.
- Mr. Christopher: You've heard the concerns of Mrs. Page and Dr. Settle, and if your Committee would perhaps look into that, and report back later.
- Mr. Carneal: It would seem to me, certainly if this Board adopted that motion it might make it easier, Jerry, for some of your people to say, now wait a minute, you know the Board has gone on record as if they want tickets, you get the opportunity to buy them, and it might make it a little easier in some of your studies.

Mr. Christopher: Anybody else have any input that they want that committee to consider along those same lines?

Mr. Morgan: Are the other items deferred from the last Agenda that are not on this Agenda? I think one in particular may be Athletics, but also the report of Jim Hall.

Mr. Christopher: I plan to put that on the next agenda.

Mrs. Page: What happened to my motion and second? I hate to be that way, but really I made a motion, and it was seconded. I would like to amend it to exclude the faculty and student regent.

Mr. West: No, don't exclude the faculty.

Mrs. Page: Yes, I think we should.

Mr. Christopher: Well, would you be willing to refer it to this Committee?

Mrs. Page: No, I'm sorry. I won't.

Mr. West: Mr. Chairman, I move to table and refer it to the Committee.

Mr. McCuiston: Second.

Mr. Christopher: All those in favor of Mr. West's motion, please say, aye; opposed, nay.

Mrs. Page: Could we have a roll call on it, please.

Mr. Christopher: Okay. All those in favor, please raise their hands?

Mr. Carneal: To the Committee, and we will resolve it at the next meeting here?

Mr. Christopher: Yes. Whenever they make their report. Will you make a report at the next regular meeting? Okay. All those in favor of referral, eight; Opposed, two.

Mr. West's motion passes which precedes or overrides Mrs. Page's motion.

All right, is there a motion that we go into Executive Session?

Executive Session

Mr. West: I move that we go into Executive Session to discuss a personnel matter involving negotiations with Dr. Curris, and to discuss University litigation.

Dr. Settle: Second.

Mr. Christopher: All those in favor, say, aye; opposed, nay. Before I declare the motion passes, did you want to say something?

Mr. Bill Powell: I don't know of anything that hasn't been said. The only suggestion that I might have is that you hold these meetings in executive session and hold the others on the outside. It's been rather boring. I sort of feel like the fellow out at Symsonia that got him a half pint of moonshine whiskey every morning. He says I know I ought not to do this, but I'm going to anyway. I just have one thing to ask informally. I took a complaint to the Chairman that I have about executive sessions. I also spoke to Mr. Carneal about it, and I was advised by both to just say it because I don't know whether I'm talking to Board or a phantom or what. So, Sara, correct me if I'm wrong, but to whomever it may concern I want to tell you first just to get you in a little better humor, there was this Chinaman that didn't understand English very well, and he couldn't speak it very well. He got on an airplane and flew someplace and the baggage, of course, didn't arrive. So when he got there he went up to the counter and said, "I fly, baggage she no fly; I got tickee, but I got dirty shirtee; you no fit to be baggage master for crying out loud." Now there's an analogy here. I want to make it clear I'm not representing Barry Bingham, the Bingham Estate, or anybody connected with the Courier-Journal, but as a dropout from Murray State University, I want to ask you this one question. Why is it that we have executive sessions?

We're told in good faith that it is just that, and then every single time that you've gone behind closed doors, some of the media has been promptly given an account of what happened. Now, if the shoe fits, wear it. This complaint as I said comes from a dropout in 1940 from Murray State University. You know, newspapermen are like some minorities; you are all right in your place. I do not wish to be unprofessional about this, but I'm getting damn tired of being told in good faith that you are going in there and discuss something that can't be made public, then hear it on the radio, hear it on television, and read it in the paper, when I have gone on and upheld the standards of honesty which I feel should be imposed by professionals and that you should do it. Somebody is leaking stuff. Let's just be blunt about it; somebody is leaking stuff that happens. Somebody corrected me a while ago when I said it would be out to the public in fifteen minutes, and another reporter said it won't be that long. Now I'm asking you the question of why have an executive meeting about this next matter if somebody is going to know it, and it be printed in tomorrow's papers and on the radio before I get out of town. You want to ponder that a while and remember, Mr. Carneal, I'm speaking only as a Murray State University dropout. Mr. Bingham can speak for himself. Thank you.

Mr. Carneal: I understand.

Mr. Christopher: Thank you, Bill. Your point is well made.

Motion passes. We will take a five minute recess.

The executive session began at 11:30 a.m. and ended at 1:30 p.m., and the meeting reconvened in public session.

Mr. Christopher: We're back in public session and let me say this about the results of the executive session. The Board and Dr. Curris have come to terms in principle. There is additional information--I suppose one could say involving a technicality--that is needed. It is anticipated that we can receive that information within the very near future but in essence I think it is the feeling of the Board and Dr. Curris that the so-called controversy is ended. Let me ask Dr. Curris if he wants to add to that.

Dr. Curris: I think you've said it well.

Mr. Christopher: Now, in regard to the litigation issue, has someone a motion to address that? Let's identify first the litigation that's in question was the recent suit that was filed in U. S. District Court involving a student at Murray State.

Mr. West: I'll move that University Attorney James Overby be authorized to represent Dr. Frank Julian and that the University pay the deductible in the insurance premium which is the sum of \$2,500 if legally permissible in that particular litigation.

Mr. Carneal: I'll second the motion.

Mr. Christopher: Mr. West makes the motion, Mr. Carneal seconds it. Is there any further discussion? You have any questions? Dr. Julian? There being no further discussion, call the roll, please.

Mrs. Dyer:	Mr. Carneal	aye
	Dr. Howard	aye
	Mr. McClure	aye
	Mr. McCuiston	aye
	Mr. Morgan	aye
	Mrs. Page	aye
	Dr. Settle	aye
	Mr. West	aye
	Mr. Woodall	aye
	Mr. Christopher	aye

Mr. Christopher: Motion passes.

Let me further say for the benefit of the press that we have agreed that at this time it would not be appropriate to discuss any of the terms of what appears to be acceptable to all. I think everybody's aware of the fact that there may be things that would require official action and no action has been taken, but it would be in the best interests of all concerned and especially Murray State University if those terms are not expressed at this time because, as I said, it appears that all are in agreement and the technicality as such just needs to be cleared up. That's probably all that should be said on the matter. Is everybody in agreement with that? Okay.

Now one other question we need to address is we've agreed that we will meet with the Board of Regents of Western on November 21. When would you like to get back together for the next meeting here on campus? Would you like to meet before the Western game to address this other question; or do you want to try to do it afterwards?

Mr. Woodall: I think it should be resolved as soon as possible.

Mr. Christopher: Let me ask you to look at your individual calendars.

Following discussion, the Chairman stated the next meeting would be November 14, 9:00 a.m., in the Board Room, Wells Hall.

Mr. McClure: At this time I would like to make a motion that the following people be accepted as this year's student membership on the University Appeals Board: Melissa Summers, Vice-President of the Student Government Association and President of the University Center Board; Keith Chism, who is a very upstanding man on campus; and Darwin Eldridge, recipient of the Martin Luther King Leadership Scholarship. All are very qualified people, and I recommend their appointments.

Mr. Carneal: Second the motion.

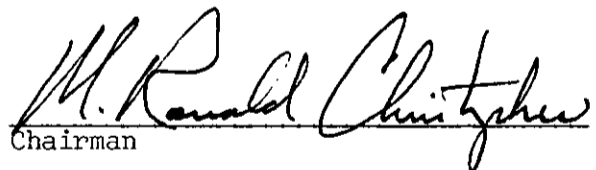
Mr. Christopher: Any other discussion? All those in favor, say aye; opposed, nay. There being no nays, the motion passes.

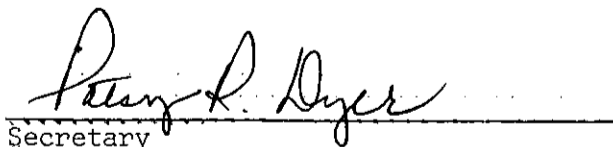
Dr. Howard: I move that we adjourn.

Mr. McCuiston: Second.

Mr. Christopher: Dr. Howard moves, Mr. McCuiston seconds. All those in favor, say aye; opposed, nay; motion passes. Stand adjourned.

The meeting adjourned at 1:45 p.m.


Chairman


Secretary